SENATE—*Wednesday, April 29, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter.*—Isaiah 59:14.

Almighty God, righteous in all Your judgments, how accurately these words of the prophet Isaiah diagnose our present situation; how precisely they describe our multiple crises. "* * * judgment is turned away * * * justice standeth afar off * * * truth is fallen in the street * * * equity cannot enter."

In our time, truth has become a matter of opinion, morality a matter of preference. Ethics are situational, a pragmatic issue, the end justifies the means. Evil is justified on the basis of a benevolent purpose. If we mean well, whatever we say or do goes.

Gracious God, lift us out of the hopeless quagmire. Save us from the mud and grime of social and cultural decay which decimates democracy. Restore us in the way of truth and justice and righteousness.

In the name of Him who was righteousness incarnate, for the sake of this Nation and its institutions. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 29, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

In my capacity as a Senator from the State of Wisconsin, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Without objection, there will be a total of 75 minutes under the control of the Senator from Massachusetts [Mr. KERRY] and the Senator from New Hampshire [Mr. SMITH].

The Chair recognizes Senator KERRY.

REPORT OF THE POW-MIA COMMITTEE TRIP TO SOUTHEAST ASIA

Mr. KERRY. Mr. President, I rise this morning and will be joined shortly by a number of my colleagues to report to Members of the U.S. Senate and to the country on a trip that five Members of the Senate and Members of the Senate Select Committee on POW-MIA Affairs took to Southeast Asia over the course of the Easter recess.

During that time, we traveled to Thailand, Vietnam, Cambodia, and Laos in order to make a firsthand determination regarding the prospects for resolving at long last the POW-MIA issue. Joining with me on the trip were the vice chairman of the POW-MIA Affairs Committee, Senator BOB SMITH of New Hampshire, Senator CHUCK GRASSLEY of Iowa, Senator HANK BROWN of Colorado, and Senator CHUCK ROBB of Virginia.

We traveled first to Hawaii to meet with the commander in chief of the Pacific forces who is now newly responsible for the joint task force for full accounting, and I am not going to take the time now to report completely on what we learned in Hawaii. But I do want to express our appreciation on behalf of the Senate to the commander in chief for his courtesy, for the briefings we received, and for the efforts they are making which are going to be critical to our capacity to resolve this issue over the course of the next months.

In addition, we also visited with the Central Identification Laboratory known as CILHI and reviewed the process by which remains are repatriated. But the most important area that I think each Senator will want to report on this morning is what we learned in both Vietnam and in Laos, the two countries where most of the questions remain with respect to this issue.

Mr. President, in summary, I want to report that the committee returned from these Southeast Asian nations with good news and with good prospects for future progress. It is my belief that with proper followup by our Defense and State Departments over the course of the next months and providing, and I underline providing, the Vietnamese continue to cooperate and carry through on promises of access and help, it is my belief that the fundamental issues still involved in the POW-MIA process can, in fact, be brought to a close between now and when this committee completes its work near the end of this year.

It is particularly my view that we can do that with respect to Vietnam. We should know within a matter of months whether or not we are on the road to continuing misunderstanding and dispute or whether we have finally embarked on a far more sensible road of full cooperation and, indeed, of progress.

I recognize that in saying this, real progress requires continued great efforts on both sides. But I do believe that it is possible, and our experiences during this trip lead me at least to think that it is within our grasp within the time period that I have outlined. Clearly for our part, if this issue is really an issue of the highest national priority, as President and Secretary of Defense and others have declared, then we should have no problem in doing our part in order to go down this road.

Less than 1 year ago, I traveled to Vietnam on a separate factfinding trip. There was then no U.S. office in Hanoi. Our personnel were operating out of Bangkok on an ad hoc basis. They were visiting Vietnam only occasionally as permitted. There was no agreement then by which we could obtain access to Vietnamese archives. There were constant delays and problems and there was no team on the ground with real access to important sites in Vietnam.

Today, less than a year later, we have 58 American personnel on the ground in Vietnam, following up on live sighting reports and excavating

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

crash sites. We have a near permanent office in Hanoi. We have an agreement to access archives and records. We have been provided access to former military personnel and peace negotiators, and we have, as Senators, in the course of the past week received access to sites extending well beyond the agreements that were reached earlier this year by Assistant Secretary of State Solomon.

Clearly, significant progress has been made in a short span of time, and with that progress has come an increasing level of trust and the building of a real basis for hope that we can discover a far greater measure of truth about the fate of our POW's and MIA's.

I would be remiss, Mr. President, if I did not openly and frankly congratulate and thank the Vietnamese for their increasing efforts to help us answer the many questions which the families of our POW's and MIA's still live with on a daily basis. The Vietnamese have repeatedly committed themselves to the notion that the resolution of this issue is a fundamentally humanitarian matter, not linked directly to their known desire for a better relationship with our country. We understand that approach, and we are grateful for their recognition of the vast importance of this issue to so many Americans.

But we also recognize that the Vietnamese are doing the unusual in permitting us to visit many sites and to access many people. I was personally impressed by their apparent commitment to try to break through some of the walls of resistance in their own country, and I left Vietnam convinced that with the cooperation of Communist Party General Secretary Do Muoi and his ministers a process can be put in place which will facilitate our ability to answer the remaining questions rapidly.

The test, obviously, is whether the General Secretary and others will follow up on these remaining issues consistently and immediately in the weeks and months ahead.

I was struck particularly during our meeting with the General Secretary by his willingness to interrupt the discussion at several points to ask us specifically, "What do we need to do to resolve this issue?" We answered that there were five critical points, and that if Vietnam responded on each of these we should be able to remove all doubts within the operating time of this committee.

Those five areas are as follows: First, access to places, prisons, military bases, and other locations where we might have live sighting reports or serious questions about the presence of Americans; second, access to archives, to the documents and records of the prison system, the hospital system, and the military units which can help us to resolve outstanding cases; third, access to people, former military personnel, prison personnel, hospital personnel, and others whose names we have learned of from our own former prisoners and other sources and who may be helpful in resolving questions regarding the fate of certain Americans; fourth, adequate logistical support, help where needed to guarantee the capacity of our teams to operate adequately within Vietnam; and fifth, the return of remains, the prompt return of remains in such a way as to eliminate any suspicion of efforts to warehouse or stockpile remains for purposes of future negotiations or trade.

These were our specific requests in a straightforward fashion. They were laid on the table, and, Mr. President, we were assured by General Secretary Do Muoi in equally as straightforward a fashion that Vietnam wants to cooperate and wants to meet these specific requests.

Therefore, I believe that if that word is kept and those promises are fulfilled, we have reached at long last a moment of true decision on this issue, true decision on both sides. For America's part, we must understand the extraordinary nature of the requests that we have made and will continue to make from one sovereign nation to the other. We are making requests for immediate access to military bases and prisons and files and for help in facilitating that access. These requests are absolutely essential from our point of view. But that does not remove the fact that they are unusual, almost unprecedented requests, and that is why we must be specific in what we ask and consistent in the requirements that we set down, for the other side will have no incentive to comply if they come to believe that there will be no end to requests, or that there is nothing they can do that will ever be enough to satisfy us. That is also why we must be quick to acknowledge evidence of cooperation and as quick to do so as we are, frankly, to question the grounds for apparent continued resistance or denial.

During our trip, we were permitted to go into four military bases that have never been visited since the time of the Vietnam war. We were permitted to go into a prison within the span of a few hours' notice. We were able to overcome resistance in that prison to our visit.

I might add that we arrived at the prison, and we were originally told by the prison commander that we could only go into a portion of the prison and that was the portion where Americans had originally been held. We suggested to the commander at that moment that would violate the notion that General Secretary Do Muoi had permitted us to go anywhere. For 1½ hours this communication process went back and forth, and I am grateful to the Foreign Ministry and Interior Ministry personnel who were with us to guide us, who went to bat for us, who fought with the commander in order to gain access, who talked on the telephone to Hanoi and broke down 20 years of resistance and succeeded in gaining access for four U.S. Senators to walk at random, unexpectedly, throughout this prison with the right to ask them to open any prison cell that was locked.

We did so, Mr. President, at random, and in those prison cells we saw Vietnamese prisoners who were being held. But it was important, indeed vital, that we gained that kind of access so that we could leave Vietnam and come back with a full sense of their readiness to cooperate.

Clearly, there are differences of history and of current political orientation that continue to divide us. Clearly, there remain complications in our understanding of Vietnam's own decisionmaking process. But I think we have made it clear to the Vietnamese that this POW–MIA issue is not simply going to go away or fade away, that we will not permit that; that the American people will not permit that, and we must have cooperation. We must have help.

But, Mr. President, we must also be willing to have the courage and the candor and the conviction of our own process to be willing to recognize that help when we get it and to be willing to admit and acknowledge the cooperation that we receive when we receive it. For Vietnam's part, the path toward decisive progress I believe is clear. Our teams must be permitted to follow up on the progress that has been made and to take advantage of the access that has been promised, and although our requests are extraordinary they are not impossible, nor do they impose any real pain.

If the Government of Vietnam wants us to have access, if they want us to be able to follow up, if they want to get rid of this issue, if they want to let us follow up on live sighting reports in a timely way, if they want to help in further resolving discrepancy cases, if they want to resolve our continuing serious questions about remains, let no one doubt that they have the power in their hands to see that is done.

All it really takes for the United States and Vietnam to resolve the POW–MIA issue is for both sides to be honest with each other and with ourselves. The Vietnamese must understand that we have no hidden agenda. We have no interest in their prisons or their military or their territory, other than that we may be able to learn about our POW's and MIA's. We have no interest in refighting the war, or in criticizing retrospectively actions that may have been taken under prior regimes.

We ask only for the truth, for the means by which we might best ascer-

tain the truth, and give us a capacity to put this issue to rest, not only as an obstacle to peace in our own souls here in this country, but as an obstacle to improved relations between our two countries.

In Laos, I must say that despite our trip, the situation remains more complicated, and we still have a long way to go. I say this notwithstanding the extraordinary cooperation and courtesy with which we were received in that country. We all appreciated the treatment we received. We appreciated the candor of statements that American pilots might, in fact, have been killed by villagers after landing alive. That is a painful truth, long suspected but still not easy to admit or to accept.

But the weight of information concerning American MIA's and POW's in Laos cannot be resolved by a single statement. What may have happened to some Americans do not answer what happened to the rest or what might have happened to others. The central question of whether live Americans were left behind in Laos is still before us. It remains a major focus of our committee's investigation and of our future work.

So in closing, let me say again, Mr. President, what we are asking from the governments of Southeast Asia is not the impossible. We ask only for a process of openness. Vietnam has clearly moved an extraordinary distance to provide that. And it is my belief that if we will both take advantage of the opportunity afforded us in these next months, we can have the answers that we so desire and Vietnam can ultimately have the relationship that it so much desires.

This committee will terminate its work in December or November, and it is absolutely our intention to try to report to the American people fully on that level of cooperation. I hope the Vietnamese will take advantage of this open window or timeframe, and that Americans will benefit from the efforts of this committee, and of our joint efforts between our countries to resolve the outstanding issues.

Mr. President, I would like to express my appreciation to each of the colleagues who traveled on this trip. Senator GRASSLEY is running for reelection this year. It is not easy to leave the country for that period of time. He performed extraordinary duty in the course of this trip, and will report for himself what he learned.

The vice chairman of the committee has become in this process a good friend, a trusted ally, and together I think we feel that our committee is doing what it set out to do.

I am delighted at this time to yield to the vice chairman of the committee, Senator SMITH from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, thank you very much. I thank the Chairman for his kind words.

I, too, would like to say what a privilege it has been to work with Chairman KERRY throughout this process, as well as other colleagues on this committee. This has been a matter that has been conducted in the spirit of total nonpartisanship, and that is the way we have approached this matter since the formation of the committee several months ago, though the original legislation was legislation that I proposed in the hope that this committee could, in its sunset period of time, put an end to the issue by ending the pain and the suffering, the anguish the families have felt for so many years, in trying to get answers to what happened to their loved ones.

This is my third fact-finding mission to Southeast Asia. I went in 1986; went again in 1988; and, of course, this last time. I must say, along the lines of what the chairman said, there is definitely a difference; there is a different attitude now on the part of the Vietnamese.

I think, as I see it, there were really four aspects concerning the resolution of this issue that we went to address in Southeast Asia. No. 1, we went to assess the level of cooperation the United States Government is receiving from the Governments of Vietnam, Laos, and Cambodia. Obviously, that level of cooperation has not been, in the past, what we had hoped, or the issue would have been resolved. But we certainly want to put at the top of the priorities, in terms of the access or the level of cooperation, access to location of Americans who have been sighted alive, allegedly, over the past 20 years.

So that is the No. 1 priority in the cooperation between the countries.

The second point was to determine if the U.S. Government itself, the U.S. Government, is fully focused—fully focused—on this issue in the region of resolving the issue of whether or not there are live Americans detained in Southeast Asia. Is the U.S. Government focused entirely on that as the highest priority?

The third point is to gain a better understanding from the Vietnamese themselves, and the Lao, on the prisoner of war issue and how it related to the Paris peace accords in 1973. As you know, the Paris peace accords ended the war in 1973. But an interesting twist to those accords is that one of the participants in the war, that is the Lao, were not a signatory to the Paris peace accords. They essentially were left out of the process, and therefore all of the missing, some 600 missing, were essentially left out of the process as well.

The Vietnamese, interestingly enough, informed us that they did not represent the Lao at the peace accords. Therefore, as far as I am concerned—I think history documents this—the committee has found that in essence, the Lao were not represented, which means that all 600 of those missing had no representation at the table in Paris in 1973.

So the question now must be asked: What happened to them? Where did they go? What happened to those 600 men, none of whom have come back, except for nine and a few sets of remains? So it is a big question. Unfortunately, as far as Laos is concerned, we did not get all of the answers, although we got some.

The fourth purpose or objective of the trip was a time line; to send a very clear, concise message to the Vietnamese and to the Lao that this committee wants to resolve this issue—not next year, or the year after, or 20 years from now—by the end of this year. By resolving the issue, I mean we want to know what happened to all of the Americans who have been sighted—or allegedly sighted—alive over the past several years since the end of the war.

If we then can resolve those issues, we told the Vietnamese and the Lao, by the end of this year, the process can continue now to uncover remains. That is a secondary issue. It is more important to focus on live people if there are any than it is to worry about the remains. But the remains process can continue as improvement in relations continue between our two countries.

I think another factor that I have long espoused and believe now very strongly must take place as the committee continues to do its work—and the chairman and I have talked about this, and other members of the committee; I think we are in accord on that—is that we need to open up the process to more public scrutiny. The American people have not really had enough information at their disposal on this subject. That is the reason we have had so much controversy.

I think this is the attitude within the Pentagon and the intelligence community: To keep everything as tight as we can, and not let it out to the public. That is the nature of the beast, the intelligence work. But there are times when documents can be released, and should be.

So one of the things that I strongly advocate, and will be working with the chairman very closely on in the committee in the next few weeks, is to try to get out to the public domain documents, declassified and out in the public domain. And they ought to be declassified if it no longer serves any purpose to keep them classified. I think that is important.

Second, there are documents that our committee are finding which are not classified at all. They might be somewhat sensitive but not classified. Those documents, frankly, ought to be out in the public domain as well. This issue will never be resolved until the Amer-

ican people know what their own Government has, and then, hopefully, as a result of that, the Vietnamese and the Lao will now understand that they must come forward and provide their information. That is a goal that I believe is achievable. I intend to seek the release of these documents, in accordance with committee's rules and procedures and, hopefully, we will be able to do that.

Let me talk briefly a little bit about the level of cooperation. Senator KERRY has gone into detail on this. I agree with him, and I would like to add a few comments. We had five series of meetings with government leaders in Laos, Cambodia, and Vietnam. We received pledges of cooperation, some of which we had the opportunity to test firsthand before leaving the region by some of the trips that the committee members took throughout the region. We focused hard in the talks on the access to locations where we were receiving reports that Americans had been sighted in a captive environment.

Let me first discuss Cambodia. The Cambodian Government under Hun Sen, its leader, was very cooperative. We had five very friendly meetings with the prime minister, Hun Sen. It was very productive. We asked him to give us an insight into the Oriental mind, if you will, as to how the Vietnamese and the Lao would perceive our trip, and how they might respond to us, and how we could have a better understanding of their feelings toward our mission. He gave us a lot of insight into that. He was very helpful.

At this point, to the best of our knowledge, based on the work of our committee, and with the work of the Intelligence Committee, and many in that community, there are no live Americans in Cambodia, or any real sightings of live Americans in Cambodia. There are some remains. As you know, five journalists were returned by the Cambodians. Their remains are now still in Hawaii and are being examined to try to determine the identity of each and will be returned to their families. So that was a major action on the part of the Cambodians. So they are providing access. I think Hun Sen is showing leadership there to the two allies in the region.

In Vietnam, as Senator KERRY said, General Secretary Do Muoi gave the strongest commitments to date, which clearly showed his country's determination to resolve this issue before the end of the year. We are very grateful for that. As Senator KERRY has indicated, we brought this up and we said to him: "This committee, Mr. General Secretary, is here to resolve the issue. We are not here to prolong it. We are here to resolve it. Can you help us?" He said it over and over again, "What can I do?"

Senator KERRY outlined the five points that we have asked him, and he made the commitment to do that. Commitments have been made before, but if our people in Southeast Asia on the ground have the access that he said he would provide, we are going to go a long, long way in resolving this issue in a very short period of time.

So now that the commitments have been made, the United States Government must be prepared to take the Vietnamese up on this offer. They must be prepared on every one of those five points raised by Senator KERRY, such as the access to prisons, and to go there with full resources with a focus on live American sightings, put the live American sightings first, put the remains issue second, and move forward to take the Vietnamese up on those offers. If we fail to do that, then we are not living up to the highest national priority commitment that has been made by many Presidents since the end of the war.

The joint task force, which has been set up under the leadership of Admiral Larson, needs to focus more on the resources that they have to investigate these live sighting reports and sometimes to look back at those reports, evaluate them, and see whether they are good or bad, and then move forward to investigating them.

Our committee has unresolved reports, and so does the DIA. There are many. In some cases, our committee has made some stronger cases for some of these live sighting reports than the DIA itself. The differences between the committee and the DIA on these reports is not significant. The difference is that our Government, our officials, all of those investigating the reports, take the ball and move with it and go to the finish line, which is all of those locations, the prisons, and all of the locations where these sightings have taken place, to resolve them once and for all.

I want to point out what live sightings we are talking about. There has been some misstatement in the press on this. This committee is concentrating on the sightings of American POW's in captivity. That is what a live sighting report is, as far as a captive environment. That is the whole focus of this committee, as far as live sighting reports are concerned. These reports are not of people living freely, who could possibly be deserters, although there may be some. But the focus is on those in a prison environment.

We were able to visit an interior ministry prison, as Senator KERRY outlined, and after some delays, and with the support of the Vietnamese officials, we were granted full access to that prison. The U.S. Government had previously—I believe as recently as a few weeks ago—been denied access to that prison. It was clearly a step forward. It was not a total surprise. It was not total spontaneity. They did have some indication that we were going to be there. These kinds of processes have to be worked out. They are a sovereign nation. We cannot just go in and go where we want to go without any type of approval.

But I know what was spontaneous, as Senator KERRY outlined, was the fact that for an hour and a half we were delayed, but after the intercession of the Vietnamese officials who were with us, and telephone calls to the Foreign Minister, we were able to get access to the prison and get a look into cells where Vietnamese prisoners were held, and we were provided spontaneous access to that prison. That was unprecedented. It does not necessarily mean that the issue is totally resolved because we did that.

And did we see everything in the prison? I cannot say that for sure, but I did not see any cell that I was not able to look into as we took that tour around. The Vietnamese used some discretion. It was Senators only, and a translator, and not staff. They used some discretion. We were grateful for that, and it was helpful for me to understand the issue.

As a side matter, during that time, we were able to go into some cells—I believe 8 to 10—where American POW's had been held during the war. They provided us access to those cells so we could see where some of our brave fighting men had been held in prison at that facility.

The next day, we were allowed to fly over South Vietnam, stopping in various locations, including military bases and local villages. Senator HANK BROWN flew up to DaNang. I am sure he will have comments on that on his own. Senator GRASSLEY interviewed some people in the Ho Chi Minh city area, and Senator KERRY and I flew out around the Makong area, which was somewhat emotional for both of us, because both of us had served in that area during the war. But we did drop in, literally, on the outskirts of a base where we were greeted by about 250, I would say, Vietnamese troops.

And, frankly, the reaction was friendly, friendly to the fact that we were Americans. They wanted to know if we were Russians or Americans and when we said Americans they cheered.

So I think this kind of attitude tells you something that there is and that starts at the top. Du Muoi made that very clear to us, let me know what you can do. We said here is what we can do. And when he made that clear I think that now is beginning to trickle down. There will be some problems as we try to work out total access to all these areas. They knew we were coming to the area. They did not know we were going to land literally on the edge of it. So it was a surprise to drop in there by helicopter.

There needs to be a lot more done. Our people in the field have to be able

to investigate these live sighting reports on very short notice. That is difficult for the Vietnamese. We understand that. It is difficult for us to have the resources to do it. But we have to do it.

I am confident that steps can be taken to improve this process to make it more effective in terms of travel, communication and notification in Vietnam. Again I want to point out that I am pleased—and Senator KERRY has referred to this as well—with the unprecedented cooperation that we received in Vietnam. I have made three trips, as I said before. I have never had the access that I had on this trip. In 1986 I never got out of Hanoi; I never got out of the meetings in the official buildings. And in 1988 it was pretty much the same with the slight difference we went into a hospital or two, but we never got out into the field.

So this was a new experience for me. So I am very optimistic. I do not want to give false hopes here. We have a long way to go. We still have not had total access, but it was a darn good step and I am looking forward now to seeing over the next several weeks if the Vietnamese and our team over there can work together to provide access across the country, to see where these reports are, and to go to those locations and get this issue resolved, if there are Americans there to bring them home, and if they are not there to get the access so we can determine that they are not, and at that point then move on to the process of bringing home the rest of the remains.

So, let me move now to Laos, briefly, before turning over to Senator GRASSLEY who is here on the floor. The Laos situation is a lot more difficult. It remains difficult in terms of establishing a process for short-notice investigations of live sighting reports.

Flying by helicopter over that country as we did and seeing the tremendous wilderness, literally, that we had huge mountainous peaks, hundreds of miles between villages, communications, geography and the Lao Government itself, all three of these things make it almost impossible to have the type of access that we could get in a country like Vietnam or Cambodia. The U.S. teams are clearly not able to roam the countryside without notice, to investigate these reports. They just cannot do it under the current circumstances because of those three reasons, communications and so forth.

So, we met with Vice Foreign Minister Subone. He was very straightforward and frank and perhaps more than other times in the past he speculated honestly when the villages were bombed, some Americans may have been killed by the villagers. But he also made a very interesting statement when he said that although the villagers may have killed some of our American pilots, he also said that the government, his government, it was their policy to return Americans, return Americans in a humanitarian policy to their homeland, which would indicate maybe in a tacit way that Americans had been captured and therefore should have been returned and, as we know, were not. So that is an unanswered question.

I believe more steps can be taken to build mutual trust and eliminate these suspicions.

We were disappointed, finally, as far as the Lao were concerned, Mr. President, that we did not get to meet with either Soth Petrosy or Prince Souphanovong, both of whom made statements during the war that they were holding American POW's and none had come back. So, we wish we had time to speak with them. We wish we would have been granted access to speak to them. We were not. that was a major disappointment.

After receiving detailed briefing en route to Southeast Asia from the joint task force and seeing the personnel in action, I am convinced that our efforts may need to be better prioritized. We can answer the troublesome aspect of the live-prisoner issue in the very near future. Family and veterans tell me we want to know, the number one priority, whether loved ones are alive. That is the No. 1 priority. After that anything else can follow in terms of remains or whatever. But are they alive? That is the first question, and that is what we have to find out. That must be the first priority of the joint task force.

We must end the uncertainty by investigating these reports. The families need to know. And they need to know we have done an honest search of specific locations so we can wrap this matter up. Fifty-eight people from the joint task force digging around in the ground is not a good practice. What we need to have them doing is digging into the live-sighting reports.

Let me end on the Paris peace accords. We were told by the Vietnamese, we were told that the POW issue was really not the highest focus of the United States during the Paris peace accords. That is a rather startling statement. Remember this is the Vietnamese saying this. But they basically indicated that the issue of POW's in Laos was not raised during the negotiation, that the Lao were not represented at the talks, and therefore these people, these families, who have loved ones missing in Laos were simply left in the lurch with unopened, unanswered questions. What happened to their loved ones? As a matter of fact it was not even an admission at the time that our Americans were even fighting in Laos. So this is a huge black hole that must be explored.

We were told during our meetings that the United States was, and still is, expected to take steps to heal the wounds of war. That is what the Vietnamese are telling us time and time again. We are reminded of the suffering of Lao and Vietnamese people that had gone on as a result of war, their losses. So there is still that feeling there that they did not get payment reparations that were promised and the unanswered question of what happened to the men.

We intend to resolve this question. We would like to resolve it by the end of the year. I am confident the American people will support better relations with both the Lao and the Vietnamese if that is done.

Mr. President, let me just say that it was a very emotional and interesting trip, and I am very hopeful we will now be able to take the United States Government resources, take the Vietnamese and the Lao—especially the Vietnamese—up on their offer to try to account for these Americans and move on.

At this time I yield to Senator GRASSLEY.

The PRESIDING OFFICER. Senator GRASSLEY is recognized.

Mr. GRASSLEY. Mr. President, I would first of all say thank God for the leadership of Senator KERRY and Senator SMITH for their work on this committee.

I say that as one who, prior to working on this committee, was involved as an individual Senator in trying to answer a lot of questions that POW-MIA families had raised to me personally and to the Government generally.

The work of this committee will bring proper focus to this issue and accomplish much more quickly and much more decisively what a larger number of individuals working by themselves, including myself, would not be able to accomplish. I am very happy with the direction this committee has taken, and for that I thank Senator KERRY and Senator SMITH.

Even though today's morning business is focusing upon the recent trip to Southeast Asia—and I think, fairly so, for us to claim some ground-breaking and trailblazing efforts of our committee's work in relationship to the cooperation of the countries of Southeast Asia—as important as that is and as much as we are focusing upon that today, I think the real difference this committee is going to make, and particularly the real leaderhip Senator KERRY and Senator SMITH are going to be able to accomplish, is something we have not concentrated on to too great an extent. That is, hopefully, when this committee's work is all done, we will have de-mystified this whole area of POW-MIA matters as it relates to our U.S. Government vis-a-vis our American families, and the extent to which we get a lot a material that heretofore has not been declassified and made public.

We must lay everything out on the table for the American citizenry to see

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for themselves what our Government knows, when it knew it, and what did we do about the information we had in our possession.

So far, our Government has not been as forthcoming as it should in this area. We have a penchant in American government to overclassify. We must urge and encourage declassification, and avoid overclassifying. I think this is an area in which this committee can have an important impact upon the political process in America. I think it is important we do that.

I am satisfied Senator KERRY and Senator SMITH are headed in that direction and I thank them for that.

But now, Mr. President, for the purpose of this morning's business and the work of this committee over the last 10 days—reporting to the Senate on our travels to Southeast Asia and our interaction with the Governments of Vietnam, Laos, and Cambodia. I can simply say we carried out what, for a long time, the American people and their Government have been doing.

Mr. President, for years the American people and their Government have been banging on the door of Vietnam, seeking answers and access. Before the trip taken by our delegation, Vietnam's door was slightly ajar. Today, it is halfway open. And they have invited us in.

Our delegation, I believe, has opened the door more fully for our Government's efforts to account for the missing. We must now take advantage of the groundwork laid by this Senate delegation. Our Government's efforts can now emphasize investigating not just crash sites for bones and remains, but also, and especially, live sighting reports. Because of assurances we have received from the Lao and the Vietnamese, our teams can have more timely access for aggressive searches. We have broken new ground in this regard.

That is, assuming that their assurances to our delegation materialize in actual practice, of making their country, their records, their people more open to us.

The purpose of our factfinding mission was threefold: First, to determine the level of cooperation of the three countries; second, to determine, if possible and to the extent possible, if there was any evidence that live prisoners were held against their will after 1973; and third, to determine whether or not, and to what extent, the U.S. Government is aggressively trying to resolve cases and account for the missing in action, as befits the Nation's highest priority as stated by so many of our Presidents.

With regard to cooperation, it is strictly a matter of promises becoming reality. If the Vietnamese and the Lao deliver on their commitments, we can resolve this issue to the greatest extent possible, and in a timely way. To the extent General Secretary Do Muoi made the commitment is the high point of our mission. The extent to which his performance is not commensurate with his rhetoric will be concomitantly the greatest disappointment. What I have seen put into practice makes me a believer this far.

I think it has already been mentioned, our tour of prison sites, our tour of military facilities, heretofore off limits, could not help but make anybody a believer. I hope that continues into the future.

On the matter of finding evidence of prisoners in captivity after 1973, we found no smoking gun. We did, however, collect data pertaining to that question, which remains to be analyzed and evaluated. In my view, Laos is becoming a key area to look at in order to answer this question. As Chairman KERRY noted yesterday, this committee does possess some evidence that we may have left men behind after 1973. It remains to be seen if this evidence withstands credible scrutiny in the months ahead. The information we gathered on this trip will be added to that larger body of knowledge.

Finally, the issue of the performance of the U.S. Government: Has our Government acted in accordance with its pronouncements—that is, that this issue is the Nation's highest priority. The answer to this, in my view, is "No." Clearly, that is up to now. Is it getting better? That depends. There is certainly more activity. There certainly appears to be a commitment. There are many more resources devoted to this issue. However, there is still too much emphasis on crash sites, bones, and remains, and not enough on tracking down live sightings. The mindset to debunk has been denied, rather than corrected. Has this changed at all? The jury is still out.

Mr. President, this trip was of enormous benefit to the work we have yet to complete on our committee, and to the questions we have yet to answer for the American people.

And that is where our responsibility lies: To make clear to the American people that our Government has kept a commitment. To make clear to the American people that records classified, that no longer need to be classified, can be viewed. That evidence that has not been made public yet can be made public so the people can determine for themselves, by themselves once again, the same analysis of the information we have and not to have it run through Senators to tell them what the situation is. I would like to commend the leadership, and the tremendous preparation and work, of the chairman and vice chairman of the committee. It was indeed a successful factfinding journey, mainly due to their resolve and commitment. The trip certainly opened our eyes to the complexities and predicaments of investigating this issue. And that will be indispensible as we seek to close the book on the many questions that have plagued a generation of Americans, a generation that is entitled to answers, a generation that is entitled to have our Government perform commensurate with our stated policy and our rhetoric.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I yield such time to the Senator from Colorado as he should need.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President.

I also thank our distinguished chairman of the select committee whose leadership, along with that of the distinguished Senator from New Hampshire, has been so vital in making progress in this investigation.

Mr. President, I also want to share my thoughts on our visit to Southeast Asia. The five Senators who went on the trip spent 11 days over the Easter recess, trying to get a better feel for the problems and the process of locating POW's in Vietnam and throughout Southeast Asia.

They also accomplished, through their leadership efforts, a great deal in terms of improving our access in each of the three Southeast Asian countries.

Mr. President, the bottom line of the entire trip was this: In the past, we as a country and we as Members of this Congress have listened to reports indicating that Americans still may be held prisoner in Southeast Asia. We have a large number of live-sighting reports, reports where someone has seen a person who looked like an American being held in bondage or held in captivity in Southeast Asia. Those reports have come in over many years. We have not had the opportunity or the ability to really check them out in the way I think all Americans would like them to be checked.

The news from the trip is dramatic. For the first time, we will have unlimited, unrestricted access in Vietnam to go where those live-sighting reports indicate Americans may be and follow up on them personally. We do not have to take anybody's word for it. We do not have to live with reports that indicate the possibility that Americans are being held in bondage anymore. We can follow up on them reports directly and immediately and resolve the outstanding question.

This is a real breakthrough. And, while the broad-based, enforceable commitment came in Vietnam, we have a history of very good access in Cambodia. Many are confident we will be able to resolve those sighting reports in Cambodia as well.

Laos is different. The Laotian Government does not have full control over

the country in the way the Vietnamese Government has over its country. But in Laos we do have a commitment from the government to allow similar access, and I am optimistic that we will be able to receive answers there too.

What comes out of the trip then is an ability to resolve the question of live Americans in Southeast Asia once and for all. To find Americans, if they are there, to follow up on the reports and to pin the facts down. That ability for live sighting followup, for on-site unannounced inspections is an enormous plus for the United States and for the resolution of this difficult and important issue.

Let me emphasize, Mr. President, that having the permission of the Government to conduct inspections is not the same as doing them. All of us gained a great deal of respect for General Needham who heads up the team in Southeast Asia and for General Christman who he reports to. But they will have the tough job of pushing governments for access, for use of helicopters, and for the use of vehicles in each country.

No final determination or conclusion I think can be fairly made until that full inspection is done. But I believe if it is done, if access is given, we will have an answer to a question that has haunted the American people for 19 years. Clearly, we must leave no stone unturned in trying to locate the Americans who still are unaccounted for in Southeast Asia.

The trip also was an opportunity for all of us to get a better view of what conditions are like in Southeast Asia. A number of the Members this morning have talked about the ruggedness of Laos, the very difficult conditions of living there and of transporting men and equipment throughout the country. I was particularly shocked to see the state of Vietnam. It is an area that I had flown into in 1964 and 1965 as an naval aviator. It is an area I served in for a year in 1965 to 1966 in the I Corps area out of Da Nang. So there were areas of Vietnam that I knew and knew well.

First of all, I think one has to be shocked by the lack of economic progress. There is almost nothing new in the entire country except a few projects that have been built by outsiders. There is a bridge near Hanoi. It is an enormous structure that was built by the Russians. We visited a hotel that had been built by the Cubans. But other than a few showplace things, almost nothing is new. Most of the major structures are structures that were built by the French before their departure in 1954.

The economy is in abysmal shape. The per capita income in Thailand is roughly eight times as high as it is in Vietnam. The contrast points out the dramatic difference between an economy that is relatively free and an economy that has adopted the precepts of socialism defined in Marxist-Leninist theory.

Socialism in Southeast Asia is a disaster. It is an economic disaster that even the Communist government is in the process of reviewing. Early signs of a change have come the last few years, as the central government in Vietnam has permitted some private ownership and some private production in agriculture. The turnaround has been enormous. Within a couple years of instituting some private ownership, Vietnam has begun to export rice instead of importing it. The exports in these last several years have been the first in over 30 years. They indicate what can be done in that region if economic freedom is allowed to prosper.

I am optimistic about the potential for an economic turnaround if Vietnam adopts private rights and economic freedom. They have pledged to expand those economic freedoms in the years ahead and there is every reason to believe that a dramatic turnaround in the Vietnamese economy will come with it.

Increased economic freedom in Vietnam is important with respect to finding POW/MIA's two reasons. First, as economic development progresses, the numbers of foreigners will increase, stimulating more reports of Americans making it increasingly difficult to pin down these live-sighting reports.

Second, it will mean many more observers giving us an additional ability to see any Americans that may still remain there.

The change in the economy, though, will have dramatic effect on Vietnam as a whole. Da Nang was one of the busiest airports in the world. Now, the airport is virtually deserted. There are a few Russian helicopters that appear to be mothballed, and apart from them, there simply is not anything there. Of the huge complex of warehouses that were near the airport, some have fallen down, some have been removed. Most were simply deserted. Some of the hangars have fallen down; others lie deserted. The enormous, busy complex that was the Da Nang Airport simply goes unused.

It is much the same in the rest of the city. The old white elephant that many Americans who served in I Corps will remember, which was a command headquarters for American forces, has many boarded-up windows is obviously in a state of disrepair. The only new building we saw in Da Nang was the Russian consulate, a $6 million structure that lies just across from the old USO building. There is some irony in their locating their consulate there. Interestingly, the Russians find themselves without the finances to even finish the building they started.

The bottom line is: Vietnam is ripe for change of enormous proportions, both economically and eventually politically. The winds of change of economic political freedom that have swept across the face of the Asian continent are blowing in Vietnam as well. The force they apply is providing us an opportunity to resolve this most burdensome question of missing Americans.

Some have suggested that our policies with regard to our POW's ought to be tied to normalization. I believe most Americans feel very strongly that we should not normalize relations with the Government of Vietnam until the questions revolving around our POW's and MIA's are answered.

The report on this trip in many ways is a good report. It is a report that eventually we will get those answers and that we have not forgotten those who served this country.

Mr. President, as we move forward I think two things are important that we remember: One, that we take no shortcuts in resolving the questions about missing Americans. Too much time has gone by. Too much heartache has been involved for us, when we are so close to the answers, to back away. No stone should be unturned in our effort to find out if any Americans remain alive in Southeast Asia.

Second, as we close this chapter on a painful episode in American history, we must leave it with a resolve that the process of committing American men and women to combat without this country standing behind them must never be repeated.

I yield back my time.

Mr. KERRY. Mr. President, I thank my distinguished colleague from Colorado for his observations and especially for his assistance throughout this journey.

How much time remains?

The PRESIDING OFFICER. Nine minutes and 55 seconds.

Mr. KERRY. I yield such time as the Senator from Virginia may need.

The PRESIDING OFFICER. The Senator from Virginia [Mr. ROBB] is recognized.

VALUABLE TRIP FOR THE COMMITTEE

Mr. ROBB. Mr. President, I thank the distinguished chairman of our select committee and the cochairman and the other Members who have had an opportunity to speak this morning. At the request of the traveling delegation—and there are additional members of the committee who will be considering all of the matters that are before the committee—I just wanted to add my 2 cents' worth, if you will.

I thought that the trip that we made during the last couple of weeks was valuable for the committee. I think it will give us an opportunity to address a number of the remaining unresolved questions that are troubling a number of Americans. I think we have improved the access to the necessary officials and other channels of communications within the various countries involved.

I think with the cooperation that has been promised by some of the officials in other countries and by some of the new structures which have been put in place by our own Government that we will be able to move to resolution of this matter perhaps more quickly than some might have anticipated as recently as a few weeks ago.

I hope that this process proceeds to the kind of conclusion that will give as many families as possible, who have unresolved questions, reason to believe that their Government and the governments that are involved conduct investigations as thoroughly as possible so we can bring finally to closure this long, open chapter in our country's history.

I commend the chairman and vice chairman and other members of the committee for devoting the time to this question and I hope the report we issue at or before the end of this year will resolve those questions which the American people and particularly the families involved are looking for us to resolve.

I thank the Chair and yield back any time remaining under the control of the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Virginia and all of my colleagues for their comments this morning. Obviously, the select committee has a significant amount of work yet to do. We will be holding hearings in the course of the next few months. The first set of hearings will be on the various lists and numbers pertaining to how many people, in fact, were left behind or may have been left behind or whether or not the current lists of the POW–MIA's is accurate. Subsequently, there will be an analysis of the 1973 Paris peace accords and what the state of knowledge was at that point in time in order to establish a baseline for any judgments that we might be making about the present.

During the course of those months, we will obviously be looking very closely at the cooperation which each of my colleagues referred to this morning and measuring both the performance of our own Government as well as the performance of the governments involved in resolving this issue in Southeast Asia.

I thank my colleagues for their comments this morning and their participation. I yield back whatever time remains.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES] is recognized.

Mr. SARBANES. Mr. President, am I correct that the Senate is in morning business?

The PRESIDING OFFICER. The Senator is correctly informed.

COMMEMORATING THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. SARBANES. Mr. President, I rise this morning to commemorate the 77th anniversary of the Armenian genocide.

Mr. President, 77 years ago began one of the great martyrdoms of modern history. In an age which unfortunately is frankly innured to acts of barbarism, we commemorate today the systematic campaign beginning in 1915 to exterminate an innocent people, the Armenians living within the borders of the Ottoman Empire. That terrible campaign meant the death of over a million men, women, and children, and suffering almost beyond description for those who managed to survive it. Anyone who has met survivors of that genocide knows from their descriptions of the unspeakable horrors, virtually impossible to describe, experienced by the victims of the Armenian genocide.

On the nights of April 23 and 24, 1915, just over 77 years ago, the intellectual, religious, and political leaders of the Armenian people were summarily arrested in Instanbul to be sent to exile and death.

In every Armenian community, leaders were arrested who were then condemned to death, and entire Armenian communities, including defenseless women and children, were removed into the remote deserts in the eastern region of Anatolia. This campaign against the Armenian people occurred in the face of world opinion that unfortunately and tragically was largely indifferent.

But the history of what occurred of that great martyrdom was written at the time and cannot be revised. It should be a matter of deep concern to all of us that in recent years an effort has developed to revise or rewrite the history of this period and to blur our understanding of the full tragedy of the massacres. However, the documentary record of the Armenian tragedy exists and there are numerous exhibits in contemporaneous newspaper accounts, the New York Times, other major newspapers as well, the British press, the French press, and so forth, of what was occurring in Anatolia. Let me relate just a sampling of the headlines from mid 1915: "More Armenian Massacres. Tales of Armenian Horrors Confirmed. 800,000 Armenians Counted Destroyed. Spare Armenians, Pope Asks Sultan. Massacres Renew, Morgenthau Reports."

These headlines alone speak volumes. Our Ambassador to the Ottoman Empire at the time was Henry Morgenthau, later a very distinguished Secretary of the Treasury under President Franklin Roosevelt. Morgenthau has written at length about the genocide visited on the Armenians. In his book he discussed the tragic events which we are talking about here today, and I quote him:

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915. The killing of the Armenian people was accompanied by a systematic destruction of churches, schools, libraries, treasures of art and of history in an attempt to eliminate all traces of a noble civilization.

What Ambassador Morgenthau wrote in the years following the great tragedy was consonant with his reporting at the time the events took place, for on July 16 of the first year of the massacres in 1915 he sent the following message by telegraph to the Secretary of State:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under pretext of reprisal against rebellion.

Reports to Ambassador Morgenthau by consul generals in the field, consular dispatches substantiated the Ambassador's report of what was taking place with respect to the massacre of the Armenians.

Perhaps Elie Wiesel expressed most eloquently for us the critical importance of recognizing Armenian genocide when in April 1991 he spoke at a holocaust memorial service, The Days of Remembrance, here in the Capitol Building.

At that solemn ceremony of remembrance, a remembrance of past horror, he said, and I quote him:

Before the planning of the final solution, Hitler asked, "Who remembers the Armenians?" He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.

Mr. President, it is incumbent upon us in order to ensure that such a tragedy never be repeated to remember each year the victims of the Armenian genocide and to pay tribute to the survivors.

As American citizens of a Nation founded on the ideals of freedom and human dignity, we must educate ourselves about the events that constituted the Armenian genocide and renew our commitment never to remain indifferent in the face of such assaults on humanity. We do not live in the past, but we cannot live without it. In the words of the great philosopher George Santayana, those who cannot remember the past are condemned to repeat it.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). Under the previous order, the Senator from Texas [Mr. GRAMM] is recognized to speak for up to 10 minutes.

Mr. GRAMM. I thank the Chair.

(The remarks of Mr. GRAMM pertaining to the introduction of S. 2627 are located in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

Under the previous order, the Senator from Ohio is recognized to speak for up to 15 minutes.

Mr. METZENBAUM. I thank the Chair.

THE ARMENIAN GENOCIDE

Mr. METZENBAUM. Mr. President, April 24, 1992, marked 77 years since the Armenian nation came to the brink of extinction. It has been described as a genocide: It was a genocide.

Accounts differ, but it is clear that approximately 1.5 million Armenian men, women, and children were killed by forces of the Ottoman empire. Hundreds of thousands of other Armenians were forced to flee their ancestral homeland.

It was truly one of the darkest moments of the 20th century, as a matter of fact, it was one of the darkest moments in history.

Mr. President, the exact circumstances of the Armenian genocide have been debated long and hard in the halls of academe and in the Halls of Congress.

The 75th anniversary of the Armenian genocide was marked 2 years ago, in April of 1990. At that time, a resolution of commemoration was introduced in the Senate and referred to the Judiciary Committee, of which I am a senior member.

During the committee's discussion of the resolution, strong forces and strong emotions were brought to bear on both sides.

Armenian-Americans were adamant that their people's tragedy be recognized.

The Government of Turkey was equally adamant in its view that recognition of the Armenian tragedy as a genocide would be offensive to the Turkish people.

The committee itself was nearly deadlocked on how to resolve the issue.

Mr. President, I attempted to find a middle ground. I hoped that compromise language would give Armenians the recognition that they deserved without offending Turkey, an important ally and friend of the United States. Turkey is that great Nation that opened its doors in 1492 to the Jews of Spain when they were expelled from that country.

My record on this issue prior to 1990 had always been one of strong support for the Armenian position. My view had always been that the killings, the deliberate eradication of entire Armenian communities, should be unquestioned.

That view did not change, and indeed, the longer the issue was debated the more information came to light about Armenian suffering between 1915 and 1923.

But I believed then that at least an attempt at compromise was the proper thing to do.

Mr. President, the fact is that there is no room for compromise on this issue. And, in truth, there really is no reason to compromise. The systematic destruction of a culturally, religiously, or ethnically distinct people is a genocide, and there should be no quibbling about it.

I take the floor this year to mark 77 years since a genocide was attempted—against the Armenian people.

I note with thanks that the attempt, while brutally effective, was not totally successful. Refugees of this tragedy found new homes elsewhere and have flourished. Armenian-Americans in particular should be proud of their achievements and of their contributions to this country.

Mr. President, there is no joy in marking the anniversary of a genocide. Senators do not take pleasure in speaking about death; it is not fun to recall suffering on a massive scale.

But the act of remembrance is our duty nonetheless.

It honors those who died;

It honors their descendants here in the United States; and

It honors those who still live in ancient Armenian lands.

However, we remember this and other tragedies not merely to honor those who suffered and their kin. We remember because we have a sad tendency of reinventing and repeating our inhumanity to each other.

Mr. President, as we remember the Armenian genocide of 1915–23, we should also remember that similar ethnic strife engulfs so many parts of the world today in 1992.

We should remember that systematic brutality is still being used in the name of religion, and in the name of ethnic purity.

We should remember the refugees who flee from this violence and persecution. And we should remember that what was done to the Armenians 77 years ago can be done again today, in any place, and to any people.

We must be very vigilant. We must be very ready to speak out and to act if necessary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Under the previous order the Senator has the authority to speak for up to 15 minutes.

Mr. MACK. Thank you Mr. President.

REVITALIZATION AND JOB GROWTH ACT OF 1992

Mr. MACK. Mr. President, one of our biggest concerns today is the state of the economy. People all over America are hurting—jobs are scarce, credit is tight, asset values continue to tumble, and confidence about the future is at an all-time low.

There continue to be signs that the economy is beginning to rebound, and we all hope these signs are accurate. But there are clearly changes that need to be made that will improve U.S. economic performance. Good policy should stand on its own and not be tied to a stage of the business cycle. It is my intention to introduce a package in the coming week which I hope can gain widespread support because it represents good policy, not just a quick fix. This legislation will focus on the job-producing machine of our economy, our Nation's small businesses.

Generations of Americans before us have had the opportunity to succeed or fail by starting new businesses. That opportunity has been fundamental to the greatness of America.

We must pursue policies that provide Americans with the freedom to succeed, even if that means risking failure. The freedom to succeed is the American dream, and I want Americans to continue to have that freedom. That's what America is supposed to be about. That's what small business is supposed to be about.

The small business community can indeed be called the backbone of our economy. Small businesses employ approximately 49 percent of the work force. Between 1988 and 1990 firms with fewer than 20 employees created more than 4 million new jobs. Today, small businesses continue to generate most of the new jobs, accounting for an estimated 90 percent of net private job growth.

My legislation will address a variety of areas which adversely affect small business. Since it is a comprehensive package, I have included some good ideas that others have proposed to help small businesses.

One of the real problems small businesses have is knowing whether Congress considers them a small business. We have a wide range of definitions of the term "small business" depending upon which law we're applying. My bill would provide a clear statement from Congress that it intends to address this problem and end the confusion.

Another severe problem for small businesses today is the regulatory burden imposed by the Federal Government. Today's regulatory squeeze is not only choking existing businesses, but is deterring the formation of new

small businesses. My bill will help ease this burden by creating a small business ombudsman in each Federal agency which regulates small businesses. In addition, my legislation follows recent recommendations by the SEC to eliminate some of the regulatory burdens imposed by the Federal securities laws on capital formation.

The legislation will take a major step toward expanding the amount of credit available to small businesses. The SBA has recently reported that SBA loan guarantee demand is up by nearly one-third, and both the administration and the House Committee on Small Business have recommended a sizable increase in the cap. My bill expands the Small Business Administration's 7(a) loan guarantee program by raising the authorization caps significantly through 1994.

I'm convinced that one of the best things we can do for small businesses is cut the capital gains tax. The chairman of the Small Business Committee has made a very worthwhile attempt to provide capital to new enterprises by excluding from tax half of the profits earned by those who provide initial capital for new companies, where the investor leaves the capital in the company for 5 years or longer. I have incorporated his bill in my package.

The last aspect of my comprehensive legislation is its proposals related to health insurance. In a survey conducted by the National Federation of Independent Businesses, this issue was the No. 1 concern of small business.

My legislation puts forward several initiatives in the area of health insurance. Most significantly, it would permit the self-employed to enjoy the same tax treatment given corporations by increasing the tax deduction for health insurance premiums from 25 to 100 percent. It would also provide for reform of the health insurance market for small businesses in the manner recommended by the Republican Health Care Task Force.

Since the week of May 10–16 is designated Small Business Week, it seems highly appropriate to begin this effort now to improve the economic climate for small businesses. I hope my colleagues will join me in support of this legislation.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Senator from Michigan is recognized to speak for up to 5 minutes.

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, this week marks the 77th anniversary of the 1915-23 genocide of the Armenian people. Seventy-seven years ago there began a systematic and purposeful slaughter in an attempt to eliminate the Armenian people in the lands controlled by the Ottoman Empire. The body of historical evidence is overwhelming and irrefutable, and denial will not alter the reality of history.

Genocide is a crime against all humanity, not just its intended victims. The Armenians suffered the unspeakable and unimaginable horror of genocide, and 1½ million perished. It is our obligation to work to see that such a horror never happens again, and it is our mandate to never forget that it did.

The world faces new realities and opportunities in the emerging post-cold war era. We confront a rare moment in history when we have it within our power to create a new system of international security. Nations have tried before and fallen short, but we have the opportunity if we act wisely and forcefully to succeed where those before us have failed. The United States should exercise leadership in developing a new international approach to controlling wars, and the atrocities occurring in Nagorno-Karabakh are an example of the need for such a new approach. The United States should be working with our allies in the United Nations and other international bodies to create a structure to prevent such conflicts, and if prevention fails, to move quickly and decisively to manage, limit, and then end such conflicts.

On this the 77th anniversary of the commemoration of the Armenian genocide, the United States should lead the world to find a way to eliminate such evil from ever recurring. We must never forget what happened, and we must work to prevent its recurrence. After the Armenians, Jews perished at the hands of the Nazis of the Holocaust. After the Jews, the Cambodians, Eritreans, and Kurds followed.

On this commemoration of the first genocide of the 20th century, the genocide of the Armenian people in 1915–23, let us dedicate ourselves to using the power and moral authority of the United States to lead a successful effort to structure international mechanisms to prevent such atrocities.

Today we remember the victims of the Armenian genocide. Let us pay tribute to them and their memories by finding a way to guarantee that it never happens again.

Mr. President, I yield the floor.

ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. BIDEN. Mr. President, I join my colleagues today in sad remembrance of the Armenian genocide of 1915 to 1923. Seventy-seven years ago the atrocities against the Armenian people began, ultimately leaving 1½ million dead at the hand of the Ottoman Empire. Compounding the anguish of those years has been the refusal of many individuals and governments to acknowledge the fact that the genocide occurred. As with other examples in history, people have denied what was too huge to comprehend or too painful to accept. I hope that the yeoman's work of many in this body to fight against that ignorance will serve to prevent other such disavowals.

Mr. President, we cannot recognize the sorrowful anniversary this year without mention of a very different event that occurred since we last commemorated the genocide. Since that time, of course, the former Soviet Republic of Armenia has become the free, independent nation of Armenia. Although this important step has been marked by an escalation in fighting between Armenia and Azerbaijan, I must say that I hope the establishment of an Armenian nation will soon bring peace and security to the Armenian people, which they well deserve.

REMEMBERING ARMENIAN GENOCIDE

Mr. KERRY. Mr. President, today we mark the 77th anniversary of the Armenian genocide. I would like to use the time allotted to me to reflect on several things related to that tragedy and to the changes that have occurred since our comparable commemoration last year.

First, it becomes increasingly evident with each passing year that the work of the Armenian National Committee and others who have strived to ensure remembrance of the genocide has paid off. Research, testimonies, and official statements all bear witness to the historical truth and appalling inhumanity of the genocide. Throughout the latter part of the 19th century and the early part of this century, it was the policy of the Ottoman Empire to persecute brutally its Armenian minority. No serious historian can deny this.

During the reign of Sultan Abdul Hamid II, 1894–96, 300,000 Armenians were massacred.

In 1909, 21,000 Armenians were murdered in Cilicia.

And between 1914 and 1923, an estimated 1½ million Armenians were killed and another 500,000 forced into exile.

In the words of Henry Morganthau, America's Ambassador to the Ottoman Empire at the time:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race: they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.

The genocide all but ended the 3,000-year-old presence of the Armenian population in the Turkish Near East. Survivors scattered across the Russian border, into the newly formed Arab states, into Europe, and many to the United States. It is testimony both to the humanitarian nature of the American people, and to the devastating cruelty of Ottoman policies, that 132,000 Armenian orphans came to the United States during this period for adoption or foster care.

Much has been written about the Armenian genocide, the Jewish Holocaust, and the massacres in Cambodia by the Khmer Rouge. Much has been written, but the reminders cannot come too often, nor can the cautions against forgetting ever be safely ignored. We live in a world where today's news becomes forgotten news almost immediately and where the lessons of history are studied carefully only rarely and even then by only a few.

This is a tragedy; it is also dangerous. It is said that those who forget their history are doomed to repeat it, and a glance today at the shelled ruins of Dubrovnik, the scarred streets of Sarajevo, and the fear-filled faces of children in Nagorno-Karabakh will tell us that the risk of repeating history is real and present and awful. The welcome end of the cold war has given rise to an unwelcome resurgence in ethnic violence and rivalry that has already claimed thousands of lives and that has no clear end. Thus, we celebrate the independence of Croatia and Slovenia, even as we mourn their dead. And we celebrate the independence of Armenia, while fearing for the future of its relations with neighboring Azerbaijan.

Today, as we commemorate the millions who suffered at the hands of the Ottoman empire three-quarters of a century ago, let us resolve never to allow in our time what was permitted to happen in their time. Let us resolve to strengthen the support for international recognition of minority rights and all human rights. Let us strengthen support for international institutions that are empowered to intervene diplomatically to resolve international disputes. And let us work to establish an overriding international obligation to act—whenever that is essential—to prevent the systematic persecution of people on ethnic, cultural, or racial grounds.

Elie Wiesel, chairman of the U.S. Holocaust Council, has said that Adolf Hitler had the Armenian example very much in mind when conceiving his own sick plan for exterminating the Jews. Hitler was confident that no one would care: "Who, after all, remembers the Armenians," he asked. Sadly, the answer to that question in Hitler's day was silence. But the answer today is we do; see remember the Armenians.

We remember both those who survived and those who perished and we will not allow the truth of their suffering to be obscured by distortions of history or the passage of time. We remember the terrible costs of past indifference and we will not allow the lessons learned to be forgotten. We remember because it is right to honor the past, but because it is even more important to safeguard the future; and because we must never again do less than all we can to prevent the specter of genocide from raising its bloody hand over any population on this planet.

THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Ms. MIKULSKI. Mr. President, today marks the 77th anniversary of the Armenian genocide. Each April, Armenians throughout the world remember this dark period in their country's history, when one-and-a-half million Armenians lost their lives. I solemnly rise today to join them in commemorating this tragic episode in hope that the world community will learn from the past and not let history repeat itself yet again.

Beginning in 1915 with the banishment and eventual murder of Armenian religious and political leaders, the Ottoman rulers proceeded with their attempted genocide of the Armenian people for 8 long years. During this time, a deliberate and systematic annihilation of an entire country was undertaken and nearly succeeded. Armenians, whose ancestors thrived in this area of the world for thousands of years, were driven out of their homeland, faced with the inevitability of starvation. Women and children were forced to march through the desert into Syria, the vast majority unable to survive the hardships of such a journey.

And yet, for all the suffering of the Armenian people, the world still did not take notice, for just a short time after the Armenian massacre, Adolf Hitler used the experience to craft his own genocide effort against the Jewish population of Europe. And as recently as the 1970's, more than one million Cambodians suffered and were murdered at the hands of the Khmer Rouge.

It is time the world finally acknowledged these ghastly and horrifying chapters in our modern history. We must not forget. For as we pay homage today to the hundreds of thousands of innocent Armenians who lost their lives, we continue the fight for human rights worldwide to once and for all put a stop to such senseless pain and suffering.

ARMENIAN MASSACRES OF 1915–23

Mr. CRANSTON. Mr. President, I rise today to join my colleagues in commemorating the horrendous massacres of Armenians in Ottoman Turkey from 1894 to 1923.

Mr. President, the Armenians have suffered brutal persecution throughout their 3,000-year history. The most tragic of these injustices occurred within the past 100 years. In the 1890's 300,000 Armenians were killed under the Ottoman Sultan Abdul Hamid II. In 1909, 21,000 Armenians were slaughtered in Cilicia.

By World War I, the stage had been set for an organized, well-plotted massacre of the Armenian population in the Ottoman Empire: from 1915 to 1923, almost the entire Armenian population was systematically removed from their homes. One-and-a-half million people were murdered, and more than half-a-million were exiled.

About two-and-a-half million Armenians were living in the Ottoman empire on the eve of World War I. After the bloody campaigns to expel them, less than 100,000 remained in Turkey.

The U.S. Government has denounced these horrors. The American people have been generous in aiding Armenian survivors. Congress has designated days of remembrance for those who perished in the massacres.

Mr. President, I can only hope that we have learned from the lessons of the past. Today in the former Soviet Union, war has again brought suffering to the Armenian people. Armenians in Nagorno-Karabakh are faced with a blockade that deprives them of electricity, food, gas, and other necessities. Missile attacks have paralyzed the capital of Stepanakert. All this, as Armenia itself is still trying to recover from the massive earthquake in December 1988, and embark upon building a new democracy.

I am sure the American people will continue their support of the Armenians. I am pleased that an independent Armenian republic has been recognized worldwide. And I hope that with international support it can become not only a strong democracy, but also a haven to protect the victims of ages of abuse.

THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 77th anniversary of the Armenian genocide.

The Armenian genocide marked a dark chapter in world history. As we commemorate the 77th anniversary of this grave injustice in Armenian history, we must resolve never to forget the terrible suffering of the Armenian people.

Today, the struggle continues for Armenian people. The Azerbaijani embargo is having devastating effects on the people of the republic of Armenia and Nagorno-Karabakh. The blockade has taken its toll on the people and the nation's industrial base. Oil supplies are short. Basic supplies are lacking. The United States has helped by providing food aid. But more must be done.

The United States needs to pressure Azerbaijan until it lifts the blockade. We need to take every opportunity to support a solution to the conflict in Nagorno-Karabakh.

Mr. President, it is essential that the Armenian people have the opportunity to live in peace. I can think of no day more appropriate than this anniversary to strengthen our resolve to work toward that goal.

COMMEMORATING THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, today, once again, we honor the spirit, the memory, and the courage of the 1½ million Armenians who perished in the early years of this century in one of the worst episodes of human cruelty in all of recorded history.

In these tragic years, between 1915 and 1923, officials of the Ottoman Empire implemented a policy under which innocent men, women, and children of Armenian ancestry were deported from their homes and villages and forced into exile. The violent repression and persecution of the Armenians led to a brutal and bloody period of suffering that resulted in the deaths, through massacres, disease, and starvation, of a large part of the Armenian population.

Each year at this time we commemorate the tragic suffering of the Armenians. Few people in history have endured such murderous persecution with such stoicism and courage. In recognizing their strength, we commit ourselves to every possible effort to prevent the repetition of such atrocities again in any nation at any time.

All of us have been deeply concerned in recent months by the new violence directed against Armenians living in the former Soviet Union. We have also been shocked by the blockade of critical humanitarian supplies which were to have helped these people survive this past winter. These latest brutalities are additional evidence of the need for the leaders of all nations to recommit themselves to avoiding the horrors of the past.

We in America must take a leadership position within the international community to prevent further bloodshed and to halt this appalling ethnic and religious strife. Today, we make clear our firm conviction that such violence must end.

America has always stood for human rights—both for our own citizens and for all peoples throughout the world. By honoring the victims of this tragic chapter of recent history, we reemphasize our support for the fundamental rights of all peoples of all races and nationalities in all countries. In a sense, we are all Armenians. By demonstrating our common humanity, we make it less likely that such inhumanity will ever take place again.

COMMEMORATING THE ARMENIAN DAY OF REMEMBRANCE

Mr. BRADLEY. Mr. President, I rise today to commemorate the 77th anniversary of Armenian genocide and to acknowledge the commitment of groups like the Armenian National Committee of America in increasing our understanding of the region and supporting efforts to achieve a lasting peace there.

The suffering of the Armenian people at the hands of the Ottoman Turks represents a grave chapter in world history. The genocide should serve as an example for all people of the horrific consequences of policies of intolerance of religious or ethnic differences. For this reason, I strongly supported efforts to make April 24 National Day of Remembrance for the Armenian genocide and was disheartened when the bill failed.

As in the past, the region today is a patchwork of diverse communities living side by side. In an era of ever increasing interdependence, it is vitally important to establish workable ties based on mutual understanding. This will be possible when all parties accept the truth about their role in past events.

On the heels of declaring its independence on last September, Armenia has entered an uncertain chapter in its history. The United States can offer much to the republic to aid its fledgling democratic institutions and free market structures. I believe that the ties between the United States and Armenia will be strengthened through such cooperation.

Armenian American groups such as the Armenian National Committee of America, can play an important role in this process. First, they can educate Americans about the present situation in Armenia, and the importance of positive United States involvement in the region. Furthermore, they can also help inform Americans about Armenia's tragic past, and help to maintain pressure on Turkey to reject its policy of denial. Their activities keep alive the memory of those that perished in the genocide and in so doing, keep us from again bearing witness to such crimes against humanity.

ANNIVERSARY OF THE MASSACRE OF ARMENIANS IN THE OTTOMAN EMPIRE

Mr. DIXON. Mr. President, for thousands of Armenian-Americans, today is a solemn day of remembrance for their relatives who died in a massacre of Armenians in the Ottoman Empire back in 1915. While the Senate has not adopted an official remembrance of this occasion, I think it is important that we do not forget the significance of this day in the hearts of many Armenian-Americans. Their memories are painful, their suffering great. What happened to their grandparents and great grandparents is indisputable. They were murdered because of their ethnicity.

The United States has always stood against such violence and brutality. We, as a beacon of freedom for the rest of the world, have a special responsibility to remind ourselves, our children, and the world, of such atrocities, in the hope that they never happen again. The Massacre of Armenians must never be forgotten.

So I stand with my Armenian-American friends on this day in remembrance of the suffering and tragedy that has befallen their parents, friends, and relatives, and pledge never to forget how cruel mankind can be to one another, and work to prevent such atrocities from happening in the future.

I thank my colleagues.

COMMEMORATION OF THE ARMENIAN GENOCIDE

Mr. SEYMOUR. Mr. President, I rise today to join my distinguished colleagues in marking this anniversary of the tragic genocide of the Armenian people between the years 1915 and 1923. The Senate appropriately takes this time to face a past that if left distorted or buried in ambiguity, will most certainly haunt us again.

This past, remarkably, still leaves us in the 20th century—one that now ends with so much hope, but one that unfolded as perhaps the bloodiest in human history. The premeditated slaughter of the Armenian people as World War One began and the Ottoman Empire entered its twilight stands as an unvarnished fact. An overwhelming body of eyewitness and documented evidence can lead us to no other conclusion.

Yet despite the Senate's ratification of the International Convention against all forms of racial and cultural genocide several years ago, we have yet to pass a resolution establishing Armenian Martyrs Day. The International Convention wedded us to the noble idea that states cannot will the massacre of individuals as a result of the cultures into which they were born, the faith they profess, or the languages they speak.

It made us accountable to timeless principles much larger and more enduring than ourselves. And for the perseverence of these principles, the Armenian people were martyred.

In a 1985 speech, President Reagan reminded the U.N. General Assembly that—

> The blood of each nation courses the American vein and feeds the spirit compelling us to involve ourselves in the fate of this good earth. There is no purpose more noble than for us to celebrate the miracle of life in this turbulent world.

In its own turbulent world 77 years ago, Mr. President, the Armenian na-

tion strived mightily to protect this miracle of life only to see it swallowed by the horror of genocide. We can redeem the suffering of these victims with an honest accounting of their agony. Let us therefore expeditiously adopt a simple resolution commemorating the dark but undeniable events of this day.

COMMEMORATE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. DOLE. Mr. President, last Friday, April 24—when the Senate was in recess—marked the 77th anniversary of the Armenian genocide. Between the years 1915–23, approximately 1½ million Armenians perished as a result of the brutal policies of the Ottoman Empire. Although the term genocide was not coined until years later, it is sadly the only accurate word to describe the terrible series of events that left a residual Armenian population of only about 100,000 in that region.

Sadly, this body has never mustered the moral courage and conviction to deal straightforwardly with Armenian genocide. Political pressure, no-holds-barred lobbying, and the expenditure of hundreds of thousands of dollars have prevented the Senate from passing an appropriate commemorative resolution.

But those of us who are willing to look history in the eye, and who see the danger of closing our eyes and hearts to the truth of the tragedy which took place, will not cease in our efforts to remember what happened. So this year, as in the past, I believe it is both right and essential to remember this terrible tragedy. Only in that way can we help ensure that these horrible events will never again take place.

Mr. President, while we have not passed a resolution, our past debate has not only benefited the Senate but has also brought a greater awareness to the American public about these events. Meanwhile, the mounting body of scholarly work on this issue has continued to remove any remaining skepticism about the fact of this tragedy.

Only one party continues to insist it all never happened—the Government of Turkey. I have made it clear in every statement I have made that no responsibility for the history of the genocide rests with either the Turkish people or their modern-day government. We have offered to amend and rewrite our resolution to underscore that point. But Ankara has not budged.

That is too bad, for Turkey would only enhance its own image by acknowledging these sad moments in history. That is a tragedy, because we will never be able to put the genocide issue to rest until all interested parties reach a common understanding of the past, and a common agreement to go forward into the future on the basis of an honest rendering of history.

As the Desert Storm war again demonstrated, Turkey is an important friend and partner to the United States, and we highly value our friendship with the Turkish Government and people. That friendship would not suffer from—and, in fact, could only be strengthened by—coming to terms with the past.

This 77th anniversary of the genocide comes at a time of rapid change for Armenia. With the dissolution of the Soviet Union, the newly independent Armenian state is taking bold steps to pursue democracy and a free market economy. Armenia and the other republics of the former Soviet Union are looking toward new relationships with their neighbors.

If ever the time was ripe for Armenia and Turkey to lay down their historic enmities and try to forge a new future of friendship and cooperation, that time is now.

I am convinced the Armenian Government, under the courageous leadership of President Ter Petrossian, is ready to make that attempt.

Judging by their clear commitment to democracy at home, and their warm relationship with us, I believe the Turkish Government and people are willing to try, too.

We cannot allow history to dictate our lives. But neither can we forget history, nor turn our backs on the truth. Let all of us, even as we remember the tragic events of the past, rededicate ourselves to making sure it never happens again; and to working together for the mutual benefit of all.

IN MEMORY OF THE PEOPLE OF ARMENIA

Mr. LIEBERMAN. Mr. President, I rise today to take note of one of this century's great tragedies: the death of over 1.5 million Armenians and their exile from their homeland.

The Armenian genocide, like the Nazi Holocaust, the liquidation of the kulaks in Ukraine and throughout Russia by Stalin, the killing fields of Cambodia, and more recently, the slaughter of the Kurds in Iraq are examples of the horrors that have befallen ethnic groups during this century. What can we learn from these tragedies? The first and in some ways most important step is to recognize the horror, to admit that a tragedy occurred, and that is what we are doing today.

The horror that befell the Armenian people came about during the collapse of the Ottoman Empire. The rule of law, such as it was, ceased to exist as the empire crumbled. The victims of this chaos were the Armenian people. We have a similar situation taking place in the former Soviet Union, where the implosion of the Soviet Union has created a crisis in Armenia and Nagorno-Karabagh. And although history seems to be repeating itself before our very eyes, it is not too late for us to learn from the lessons of the past and stop the bloodshed in Karabagh.

I have written to Secretary of State Baker, asking him to call for U.N. involvement in Nagorno-Karabagh to bring an end to this tragedy. U.N. special envoy, Cyrus Vance, has already gone to Karabagh to try and solve the situation. We need to push the U.N. to continue its efforts to help the suffering people of Nagorno-Karabagh.

In that same letter, I suggested to the Secretary of State that we not extend full diplomatic recognition to the Government of Azerbaijan, if it is unwilling to negotiate in good faith a peaceful settlement to this problem. We must make certain that the Azeri Government understands that there will be a consequence to further support of bloodshed in the region.

We should also look to the CSCE as a possible mediator in Nagorno-Karabagh. At a recent CSCE meeting, the Dutch suggested that we crate a high commissioner on minorities, similar to the High Commissioner on Refugees. Another possibility might be to establish CSCE human rights offices in Nagorno-Karabagh and elsewhere in the CIS and Eastern Europe in order to give minority groups a place to take their grievances.

We must do whatever we can to stop the killing in Karabagh. We must use all available resources to see that the tragedy that befell Armenians in the first part of this century is not repeated as the century comes to a close. Helping to end the violence in the region would be a fitting tribute to the memory of all the Armenians who have given their lives for their nation and their heritage.

THE 77TH ANNIVERSARY OF ARMENIAN GENOCIDE

Mr. RIEGLE. Mr. President, April 29 commemorates the 77th anniversary of the genocide suffered by the Armenian people. The struggle of Armenians for human rights and independence demands not only our sympathy and respect, but that of the entire world. It is with that thought in mind that we set aside April 29 as a tribute to Armenians and their descendants.

Between 1915 and 1923, 1.5 million Armenian citizens were killed by the Ottoman Empire in its brutal drive to end the Armenian quest for independence. Early in the First World War, the Ottoman drive to dominate the Armenian people eliminated almost half of the world's Armenian population. Battered and powerless, the Armenians were deported from cities and towns throughout Turkey and Asia Minor. Left without any alternative, countless Armenians died as they fled throughout the deserts of present day Syria and Iraq to escape the unbearable oppression.

After World War I, Armenia's hopes grew brighter. A makeshift Armenian army had marshaled considerable strength by 1918 and defeated the Turkish invaders. Following this momentous triumph, Armenia declared itself a free and independent state on May 28, 1918. Both the Soviet Union and Turkey initially pledged to honor the new state; nevertheless, both invaded Armenia in late 1918. Eastern Armenia was transformed into the Armenian Soviet Socialist Republic and Turkish forces once again extended their terror over Armenia's western half.

Despite overwhelming evidence of the deaths of more than 1 million Armenians, between 1915 and 1923, however, the world has yet to acknowledge the deliberate atrocities perpetrated against the Armenian people. Hundreds of thousands of Armenians were massacred or died of famine or disease during those 8 years, in a savage effort to stop their drive to recreate their historic nation.

In the continuing effort to deny the tragic facts of the Armenian genocide, many reject the testimony of numerous survivors and observers. But, there is no threat to our future as great as denying the past. Not to acknowledge the breadth of the pain inflicted on the Armenian people is an offense, not only against the victims of that genocide, but also to the survivors. The U.S. Government must be clear. As a party to the U.N. Convention on the Prevention and Punishment of Genocide, we must align ourselves with truth and publicly recognize what happened.

It is important to note that we do not condemn the present Government of Turkey and the Turkish people for past actions. In fact, the current Government of Turkey was not even established at the time of the genocide. This effort merely seeks to commemorate the Armenian people and their steadfast courage in the face of suffering.

I am proud to say that America's sole Armenian research and publishing center calls the State of Michigan home along with some 60,000 Armenians. Not only does the center educate Americans about the close historic ties between America and Armenia, but it seeks to preserve Armenian culture and remind the world of the horrors of the genocide.

Tyrants like Adolf Hitler and the leaders of the Ottoman Empire should never be forgotten. Moreover, the victims of these despots, the Jewish people and the Armenians, should not be the only ones to recollect these gross atrocities. If the United States wants to be true to its high moral standards, it should always be mindful of these global tragedies.

Given the recent events in the Soviet Union, now more than ever is the time to honor the Armenian people. At long last they have realized their goal of an independent, peaceful Armenian state. Acknowledging Soviet law, Armenia followed a smooth, legal secession from the Soviet Union. It held a referendum on September 21, 1991, in which an overwhelming percentage of the population expressed their desire for independence. The tale of the Armenian people in the end will be one of triumph, one that saw them rise from the depths of oppression to the height of independence.

ARMENIAN GENOCIDE

Mr. SIMON. Mr. President, we pause today to commemorate the 77th anniversary of the Armenian genocide. Today, more than ever, it is vital that we remember the atrocities committed against the Armenian people by the Ottoman government between 1915 and 1923, resulting in the deaths of some 1.5 million Armenians.

We commemorate this event to acknowledge what happened, in order to prevent future genocides. We acknowledge this tragedy for this reason, not to point fingers or to breed ethnic conflict. Martin Niemoller's reflection on the Holocaust is worth repeating here:

* * * they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

Let us not ignore history. It is essential that our government and the international community work for peace and justice where human rights are being abused and wars are being fought. In remembering the suffering of the Armenians in those final years of the Ottoman Empire, we are telling the world that we know, in Martin Niemoller's words, how crucial it is to "speak up."

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. GLENN. Mr. President, I rise today to join my colleagues in commemorating the 77th anniversary of the Armenian genocide. It is most fitting that on this day we pause to remember the first, but regrettably not the last, genocide of the 20th century. On April 24, 1915 some 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and exiled or taken to the interior and executed. That began a reign of terror wherein, over the next 8 years, a million and a half Armenians perished and another half million fled their homeland. In a July 16 cable to the Secretary of State, Henry Morgenthau, U.S. Ambassador to the Ottoman Empire, reported "deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion." Later Ambassador Morgenthau wrote "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

It is said that Adolf Hitler, when contemplating the "final solution" asked "Who remembers the Armenians?" Thus our purpose here today is more profound than simply recalling a tragic episode of history. It is to renew our resolve to do everything we can to ensure that the scourge of genocide is never again visited upon any people anywhere on this Earth. Genocide is the extermination of people simply because of their national or racial group. Regrettably, the Armenian tragedy was followed by the horrors of the Holocaust, the massacre of Cambodians, and very recently Saddam Hussein's brutal campaign against his own Kurdish population.

We cannot simply erase or ignore history's ugly chapters. Because our century has seen such horrors is, to me, not an argument for trying to forget, rather it compels us to remember. And in remembering we renew our vow, individually and as a nation and party to the Genocide Convention, to be vigilant against any further repetitions of this most horrific example of man's inhumanity to man.

In the words of Edmund Burke, "the only thing necessary for the triumph of evil is for good men to do nothing." In solidarity with the people of free Armenia and Armenian Americans across the country, and in memory of all victims of genocide, let us pledge that never again, through our indifference or inaction, will the horrors of genocide be visited upon any of our fellow men. We are poised to enter a new century, one already ripe with promise for better relations among men and among nations. Let is also be one where the ghastly aberration genocide disappears from the lexicon of human relations.

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. D'AMATO. Mr. President, today we commemorate a loss, a loss of 2 million human beings. While even today, Turkey refuses to acknowledge their guilt in this mass murder, the memory of this tragic event lives on. We must remember that it was Hitler who said, "who remembers the Armenians." Cambodia's Pol Pot thought the same. If we fail to memorialize the senseless slaughter of nearly 2 million human beings, we will doom others to the same fate.

When a young Jewish student, Yankel Rosenbaum, was chased down a street in Crown Heights by murderers yelling "kill the Jew, kill the Jew," he was doomed. When over a million Cambodians were herded out of the cities into the countryside, they were doomed. And when 1.5 million Armenians were deported and force marched into the desert, they were doomed.

Fortunately, Armenia is now a sovereign and independent republic, free of the yoke of Soviet Communist control. Armenia is free to decide her fate and to create a land where her children can grow to learn its heritage.

Yet, as we enter a world without the Soviet Union, we face an unsure existence where ethnic hostilities have been unleashed. Once such place is in the highly disputed region of Nagorno-Karabakh.

Armenians have been subjected to endless Azeri pogroms. Innocent women and children have been slaughtered at the hands of Azeri soldiers. Those who survive have been forced to endure a brutal territorial blockade depriving Armenians of food and vital energy sources.

The world must understand that Karabakh was, is, and always will be Armenian. And it is for that reason that I demand, let Karabakh go!

THE 77TH ANNIVERSARY OF THE ARMENIAN MASSACRE

Mr. DODD. Mr. President, I rise today to join with my colleagues in marking the 77th anniversary of the Armenian genocide of 1915. This horrifying massacre was the first instance of genocide in the history of the 20th century. Tragically—and in part because the world community failed to respond—it was not the last.

In the early part of World War I, the Ottoman Turkish Army, fearing disloyalty from its Armenian ranks during the struggle against Russia, began a prolonged campaign to segregate Armenian soldiers from the rest of the armed forces. On April 24, 1915, Turkish leaders decided on a more permanent settlement to the Armenian question. Two hundred Armenian religious, political, and intellectual leaders were arrested in Constantinople. Many of them were executed.

On May 27, 1915, the Armenian genocide was formally launched with the edict of deportation, which gave license to the murder of Armenian men and the forced march of women, children and the elderly to the Syrian desert. During the next 7 years, approximately 1.5 million Armenians were killed as a result of this policy.

Mr. President, our history is littered with examples where we have shortsightedly ignored the plight of an entire people, only to see events repeat themselves in another time and another place. Such is the case with the Armenian massacre. It was the world's failure to forcefully condemn this appalling tragedy that led a man named Hitler to believe the slaughter of the Jews would also go unnoticed. The horrific genocide begun 17 years ago by the Khmer Rouge in Cambodia teaches us that, sadly, ethnic violence still finds a place in this world.

Today, the Armenian people face another challenge, one they will not possibly meet without the cooperation of the world community. In the tiny enclave of Nagorno-Karabakh, an Armenian-dominated region within the former Soviet Republic of Azerbaijan, 1,500 Armenians have died in ethnic conflict since 1988.

That conflict now is being waged with the most sophisticated of weaponry, including tanks, missiles, and heavy artillery. In the city of Stepanakert, where about 50,000 Armenians make their home, heavy shelling has brought destruction and fear to the innocent civilians living there.

Mr. President, the United States and the international community must not ignore the plight of Armenians in Nagorno-Karabakh. The resolution of this bloody conflict will take a concerted effort on the part of the United Nations, the surrounding nations, and the Conference on Security and Cooperation in Europe. On this anniversary of the Armenian massacre, we would do well to contemplate the lesson of that tragic episode in history.

THE ARMENIAN GENOCIDE AND ETHNIC CONFLICT

Mr. MOYNIHAN. Mr. President, I rise today to note that this day has been designated a day of remembrance for the victims of one of the greatest tragedies of a brutal century. During the final years of Ottoman rule some 1.5 million ethnic Armenians were killed and several hundred thousand Armenians were deported. The U.S. Ambassador at the time, Henry Morganthau, wrote: "I am confident that the whole history of the human race contains no such horrible episode as this."

This horrible event is perhaps more relevant today than we would like to admit. With the end of the cold war, ethnic conflict has exploded around the globe. It tore apart the Soviet Union, is tearing apart Yugoslavia, and will rip asunder many more multiethnic states. How the world community confronts this phenomenon will decide whether there are still more tragedies as that which befell the Armenian community. Now, more than ever, it is important to remember.

COMMEMORATION OF THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. JEFFORDS. Mr. President, today, we mark the 77th anniversary of the Armenian genocide. Remembering this tragedy is essential for many reasons. First and foremost, we must honor those who died. Those who died so violently, in an absence of justice, must be remembered now; we honor them in death in recompense for the dishonorable way they were treated in life.

Yet, those who died so cruelly need not also have died in vain. As we gaze across Europe today, we see a continent in upheaval. Commemorating the Armenian genocide reminds all of us that the human heart—all human hearts—is both a heart of darkness and a heart of light. In times of transition and conflict, the best protection against new atrocities is the remembrance of old ones and the recognition that no one, no nation is immune from either the effects of evil or its perpetration. When we remember this, we can guard against darkness and choose to turn toward light. As new nations emerge in Europe, the hope of freedom and prosperity stands side by side with the fear that old animosities will lead to bloodshed. Let the remembrance of the Armenian genocide be an impetus to patience, respect for human life, and the peaceful resolution of conflicts.

In April, I had the privilege of visiting Armenia. At last Armenia is independent again, free to govern its affairs and to establish its place in the new world order. The problems for any new state are great, yet the upheaval in Europe can also be an opportunity for reconciliation. As we commemorate the 77th anniversary of the Armenian genocide, I urge Armenia and its neighbors to find a way to come to terms with the past so that the future can be one of cooperation and peace.

COMMEMORATING THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. PELL. Mr. President, each April, Armenians worldwide commemorate the anniversary of the genocide that took the lives of an estimated 1.5 million Armenians from 1915 through 1923. The actual day of remembrance, April 24, occurred during the Senate recess. On that day in 1915, the Ottoman campaign against the Armenian people began in earnest when hundreds of Armenian community leaders were arrested and killed. For the next 8 years, the empire's rulers pursued a deliberate campaign based upon religious, political, and cultural intolerance, to eliminate the Armenian people through deportation and death.

This year, the day of remembrance has special significance because after decades of Soviet rule, Armenia is now a free and independent country. Regrettably, however, many Armenians—both in Armenia and the enclave of Nagorno-Karabagh—are suffering because of the ongoing conflict in the re-

gion. As Armenia embarks upon its independent course, and as attempts are made to end the bitter ethnic fight with Azerbaijan, I believe it is important to commemorate what happened to the Armenian population at the beginning of this century.

I visited Armenia for the first time in January. During that trip, I met with the country's new political leaders, with Armenian refugees from violence in Baku, and with survivors of the 1988 earthquake that leveled the city of Gumry. I was impressed by the commitment of the Armenian leadership to reform their country, and indeed, their eagerness to learn more about the United States political and economic model. I was truly saddened to learn that in Armenia, a country of nearly 3.3 million, 700,000 people are without permanent housing. I was horrified by the accounts of the brutality and violence that the refugees suffered. These incidents take on a deeper meaning in light of the genocide commemoration. It is a reminder that we cannot remain silent.

Mr. President, despite a long history of tragedy and persecution, the Armenian people possess moral strength, resilience, and a proud spirit. We join in this remembrance with American citizens of Armenian descent, whose ancestors became the victims of the first genocide of the 20th century. These crimes against humanity must never, and should never, be forgotten.

TRIBUTE TO LT. GEN. AUGUST M. CIANCIOLO

Mr. HEFLIN. Mr. President, I rise today to pay tribute to the life and career of my friend Lt. Gen. August M. Cianciolo, Military Deputy to the Assistant Secretary of the Army for Research, Development, and Acquisition. General Cianciolo's retirement from the Army is effective April 29.

In his capacity as Military Deputy, General Cianciolo supported the Assistant Secretary through decision recommendations for the Army acquisition function. He also served as chairman of the Preliminary Army Systems Acquisition Review Committee and supervised the program executive officer system. Some of my colleagues know him as the principal military witness for congressional RDA appropriations. The general held this position during a difficult period of transition, and none can deny that he represented the Army fairly, always keeping the interests of his country at the forefront of any duties he carried out or responsibilities he shouldered.

I first came to know General Cianciolo during his tenure as commander of the U.S. Army Missile Command at Redstone Arsenal, AL. Prior to becoming MICOM's commanding officer, he had been its project manager for the multiple-launch rocket system, which proved itself so effective during Desert Storm. While at MICOM, the general quickly earned the admiration and trust of the Huntsville community, and we all wish he had chosen to make this vibrant city his permanent residence upon his departure from the Army.

In addition to his outstanding work at Redstone Arsenal, General Cianciolo served as deputy commanding general for research, development, and acquisition at the Army Materiel Command. He has held several other important positions, including deputy for systems management; deputy director of materiel, plans, and programs; deputy director of weapons systems within the Office of the Deputy Chief of Staff for RDA; and project manager for the Standoff Target Acquisition/Attack System at Fort Monmouth.

General Cianciolo has received numerous awards, honors, and decorations during his illustrious Army career. He is a recipient of the Distinguished Service Medal; the Bronze Star with "V" Device and two Oak Leaf Clusters; the Meritorious Service Medal with one Oak Leaf Cluster' various Air Medals; the Army Commendation Medal with two Oak Leaf Clusters; and the Master Army Aviator Badge. Clearly, General Cianciolo has been the consummate soldier.

I commend and congratulate Lt. Gen. August M. Cianciolo on his impeccable career with the U.S. Army, and wish him and his wife all the best for a happy and healthy civilian life.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,880,780,348,260.21, as of the close of business on Monday, April 27, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman and child owes $15,108.60—thanks to the big-spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

A GUN FOR ALL SEASONS

Mr. MOYNIHAN. Mr. President, today I rise to draw my colleagues' attention to an article in this morning's Washington Post. It tells of the widespread criminal use of the 9-millimeter pistol, a gun that is turning our streets into another Vietnam.

In seconds, a "nine," as they are known by teenagers who carry them, can fire 15 rounds. Just as quickly, the empty magazine can be removed and another one inserted loaded with 15 more 9mm bullets. Pathologists, surgeons, and police say they see victims riddled with bullets fired from these guns. More bullets do more damage: Whereas assaults with firearms in the District of Columbia have dropped, the number of fatalities continues to rise.

The crisis has taken on ominous proportions. Nine millimeter guns have become the most common weapon among street criminals in our Nation's Capital. Our police have become outgunned, and so some departments have turned to the Glock 9mm and similar guns to keep pace. But it is a losing battle to keep rearming our law enforcement officers with progressively deadlier guns to match those used by criminals. What we need instead is a way to diminish the epidemic of violence.

On January 14, 1991, I introduced S. 51, a bill to ban the importation, manufacture and transfer of .25- and .32-caliber and 9-millimeter ammunition. I support other methods of restricting the access of criminals to guns—the Brady bill, for example, which would mandate a national waiting period for the purchase of handguns. But it is the bullets that do the killing. Why not restrict access to the ammunition, and especially rounds like the 9mm associated disproportionately with crime? And why not restrict the size of magazines to curb spray of bullets from these semiautomatics? I urge my colleagues to cosponsor S. 51, and ask unanimous consent that the full text of the Washington Post article appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 29, 1992]

A GUN FOR ALL SEASONS—9MM PISTOLS SPAWN HIGH-TECH VIOLENCE

(By Pierre Thomas)

The number of gun assaults in the District of Columbia was down last year but the number of deaths rose, as did the number of bullets in the bodies of gunshot victims. Five years ago, it was one or two. Today, it's often eight to 10.

One reason is the easily handled and terribly lethal weapon produced daily by firearms manufacturers in the United States and over the world.

Its generic name is the 9-mm semiautomatic pistol, and it is the gun that has sup-

planted the .38 revolver as the preferred weapon among D.C. criminals and thus dramatically changed the local crime scene.

The "nine," as it is known on the street, is often small enough to fit in a coat pocket, yet potent enough to fire 15 staccato rounds without reloading. When reloading is necessary, a new magazine can be inserted in seconds.

Some models spray so many bullets that aim is irrelevant.

"Right now, the nine millimeter is the weapon the bad guy wants to have in his waistband," said David Troy, who heads the Washington field office of the Bureau of Alcohol, Tobacco and Firearms. "Your chances of killing with it are enhanced."

Last year, of the 102 homicide weapons confiscated by D.C. police, one out of three was a 9mm, by far the largest single category of handgun, according to federal agents. When ATF traced 845 confiscated firearms in the District during an eight-month stretch beginning in March last year, 202 were 9mms, more than any other type.

The advent of the 9mm and other semiautomatics, which make up the majority of guns seized in the District, has taxed the city's emergency medical system as never before because gunshot victims routinely sustain multiple bullet wounds.

Take David Washington, the 150th homicide victim in 1991, the bloodiest year in the city's history. One bullet from a 9mm knocked Washington, 26, out of a living room chair on Benning Road SE. another slug ripped through his right ear, searing his brain. Still another went through his lip, knocking out teeth, while a third pierced his face, fracturing his jaw.

In all, 18 bullets riddled Washington's body during the attack last April, which officials said was the result of a drug dispute. The 9mm weapon produced so many bullet wounds it took the medical examiner eight pages to detail them in an autopsy report.

Police, forced to upgrade their handguns from revolvers to 9mms to counter the increased criminal firepower, also have seen their duties multiply in canvassing crime scenes involving 9mm attacks. Up and down city streets, police must patrol an expanded area to pick up spent bullet casings, check for damaged cars and make sure bystanders were not injured in the gunfire.

"Kids and criminals on the street know the power of a firearm," said D.C. Police Chief Isaac Fulwood Jr. "A firearm is an equalizer. They [the criminals] drove us to go to nine millimeters. We were recovering so many."

The 9mm and guns like it have "left a wide trail of devastation," said U.S. Attorney Jay B. Stephens.

This year, the mayhem caused by 9mms began on New Year's Day when 14-year-old Ricco P. Neal became the city's first homicide victim of 1992 after he and two other persons were sprayed in front of his house by 9mm bullets. A few weeks later, a card game played in a private hall on 14th Street in Northwest Washington was interrupted by the unmistakable popping of gunfire. A man was shot six times. Several 9mm shells littered the floor around the card table.

"It's scary," said Marie-Lydie Y. Pierre-Louis, a city medical examiner. "You almost don't want to acknowledge it."

The country found out last October what one man armed with two 9mm pistols could do in a few minutes: In Luby's Cafeteria in Killeen, Tex., 23 people were killed, 17 wounded.

Many criminals are riding around the District with the same firepower or more.

Flat and L-shaped, many 9mms have streamlined handles designed to fit more comfortably in the web of the hand. Unlike some of the larger, more rounded revolvers that bulge in a pocket, most 9mms are easily concealable and may be tucked in the small of the back or an underarm holster.

The weapons, which weigh between 2 and 3 pounds, retail from $139 for the single-action Stallard JS-9mm with an eight-round magazine to $1,900 for the more streamlined Sig P-210-6 imported from Switzerland, according to Gun Digest. In the District, they are purchased off the street illegally.

The primary advantages, gun experts say, is their ease of operation, increased firepower and reduced recoil. The typical .38-caliber revolver, the once-dominant form of handgun, holds six rounds. Many models of the 9mm can hold 14 or more bullets, and extended magazines can easily double the shooting capacity of some models.

The bullets are lodged in a compact magazine that may be inserted into and ejected from the butt of the weapon, as quickly and easily as the beaters slip in and out of an electric mixer.

"With a revolver, you have to open it, eject the shells, fill the holes, and close the gun before you can fire," said ATF spokesman Jack Killorin. "With a nine millimeter you push a button, the [empty] clip falls out and you slap another [loaded magazine] in."

Popular models of the 9mm include an American-made version by Smith & Western and the Beretta, many of which are assembled in a Prince George's County facility opened by the Italian firm in the late 1970s, and is now the standard sidearm of the U.S. military. Others are imported from Spain, Brazil, Germany, Austria and elsewhere. The 9mm is the official sidearm of NATO forces.

Newer versions of the 9mm were introduced in the mid-1980s, when police and military demand skyrocketed. The 9mm category also includes the Tec-9 and Uzi pistols, longer, bulkier weapons that can fire up to 32 rounds without reloading.

The 9mm is popular partly because it received "legitimacy" through its use by the American and European military, said Christopher Dolnack, a spokesman for Smith & Western.

"Criminals aren't our customers," Dolnack said. "I don't know what can be done. . . . We certainly as a manufacturer wish that our products weren't used for illegal purposes."

The growth of 9mms and semiautomatics over the last five years parallels the city's escalating homicide rate.

The number of semiautomatic pistols confiscated by D.C. police and other agencies roughly has tripled since 1986, from 485 to more than 1,500 last year. During the same period, homicides more than doubled from 194 to 489, a fact that police and health officials attribute partly to the emergence of high-capacity weapons such as the 9mm and the birth of the violent crack cocaine trade.

"The crack . . . the semiautomatic weapons," said Lt. Charles Bailey, who oversees the District police department's crime scene technicians. "It's an explosive combination."

For the criminal, the 9mm has become a common tool in the increasingly deadly street wars. In the District, where handgun sales and possession are banned, the 9mms are easy to get through a multimillion dollar black-market trade that relies heavily on smuggling from gun stores in neighboring Virginia and Maryland.

"I carried the gun [a Browning 9mm] because I was into the drug scene," said Jerome Donelson, 31, who is serving time at the D.C. corrections facility in Lorton for second-degree murder. "If you get into a situation, you want the best firepower, something that will get you out of that corner."

Shayhid Turner-Bey, 30, who is serving a 15-year-to-life sentence for second-degree murder, said he felt "safer with a 9. They [9mms] have extensive ammunition. . . . You might have more than one person that you have to shoot."

Bey bought his gun in Maryland from an acquaintance. Donelson received his in the District as a "gift."

"It seems like everybody has them [9mms]," Bailey said. Guns and drugs are usually intertwined, he said.

Convicted armed robber Darrell Smith says he developed a profitable business selling 9mms. One weekend in 1983, he said he was approached by men from Norfolk, who offered a 9mm in exchange for $200 worth of cocaine.

"They came back eight weeks in a row" and Smith bartered for about 25 9mms," he said. Smith is now serving a 12-years-to-life sentence for armed robbery, a crime he committed with a 9mm.

No one knows better the deadly power of the 9mm than the emergency medical workers who treat the wounds.

Today's gunshot wounds are "similar to that of Vietnam, war, the battlefield," said Fire Department spokesman Theodore O. Holmes, a battalion chief.

In emergency rooms, more specialists are required, straining the staff. Marvin Barnard, director of D.C. General's emergency care center, routinely fields a team of neurosurgeons, cardiovascular surgeons and others to meet arriving gunshot victims.

The public never realizes the damage a bullet can do, said Edward Cornwell III, a Howard University Hospital emergency room doctor. The bullet is hot and tends not to go in a straight line but to tumble, bouncing around, tearing and fracturing organs and bones, he said.

The people shot more than twice "don't usually make it to us," he said. They die before getting to the hospital.

The gunshot victims wheeled into the medical examiner's office at 1900 Massachusetts Ave. SE now require much more work than in the past.

"The main thing is that there are more bullets to do more damage," said Joye M. Carter, the city's chief medical examiner.

Vincent E. Hill, a medical examiner, said that while doctors are not firearms experts, they clearly see the evidence of more potent guns such as the 9mm.

"Sometimes, more than one bullet has gone through the same hole," Hill said.

Doctors are left to console the grieving survivors. Hill recalled one grandmother who could not grasp how "somebody could shoot her grandson 15 times."

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

The Senator from Texas.

EXTENSION OF MORNING BUSINESS

Mr. BENTSEN. Mr. President, I ask unanimous consent that morning business be extended until the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TIME FOR CAMPAIGN REFORM

Mr. BENTSEN. Mr. President, this should be the last step toward the enactment of a long-delayed reform of our laws governing congressional elections. It has been 6 years since the Senate signaled its interest in the Boren-Goldwater reform proposals; 4 years since we surrendered to the Republican filibusters which blocked action in the 100th Congress; 2 years since we adjourned without reconciling House and Senate bills, and 1 year since the Senate passed S. 3.

Unfortunately, however, the President has already indicated his intention, to veto this very important bill. We have reached the point when we could change the current discredited system and slow down that money chase. But it looks like we will have to regroup to fight another day.

Mr. President, we need this legislation. Campaigns cost too much and they require too much time for fundraising. We need to devalue the dollar's dominant role in politics so that elections can focus on the more relevant issues of accomplishments, character, and policy choices.

Most of us in this Chamber are quite successful at politics. We have learned the existing rules. We played by them and we have won. That does not mean we like all those rules, or that we cannot set better ones.

I support this conference report, as I have supported many significant campaign reform bills in the past, because I believe we need to change those rules, especially by limiting the costs of campaigns and also the role of special interest money.

The money chase dominates our campaigns today. You spend your time on the telephone calling around the country, visiting States other than your own, and then repeatedly calling on your friends in your own State. A candidate needs several million dollars to be competitive in big States. It means we spend our days, our nights and our weekends trying to raise the necessary money from legitimate sources.

If you read those press accounts about our FEC filings, you might conclude that raising money is easy for me. I cannot deny that I have been successful. But I assure you it was not easy. And for all of us, the more time we have to spend on fundraising, the less time we have to discuss and work on the issues that are of importance and concern to this country of ours and trying to get it turned around, get it back to growing again.

Mr. President, this is not a perfect bill. Hardly any compromise is perfect. For example, I am troubled that the conferees weakened the Senate amendment attempting to limit the participation of foreign nationals. I know the hoard of lobbyists—from when I worked on this before—that have been turned loose to try to see that that is not done. What they have been able to do to campaigns in this country is far beyond anything we have ever tried in any of their countries. They would be terribly affronted by it.

I regret that requirement for certification that no foreigners were involved in PAC operations was deleted in the conference.

I am also a reluctant supporter of the partial, last resort public financing of Senate campaigns provided by this bill. I believe we should go further in reform. But I remain a supporter because I am tired of the double whammy that hits us under the current system which forces us to ask for vast sums of money in a State like Pennsylvania or Texas and then subjects us to criticism for taking it.

This bill provides voluntary spending limits on campaigns. In case of the U.S. Senate election in Texas, the limit would be $6.2 million. That is approximately two-thirds the amount spent by the most recent successful candidate. That continues to escalate. And if you extrapolate it into the future, it would be an enormous amount of money. The bill also limits the influence of political action committees both by slashing their maximum contribution, cutting it in half, and by forbidding Senate candidates from deriving more than one-fifth of their war chest in PAC's.

I have not taken a PAC contribution since the 1988 campaign. I decided I was better off.

It also provides tough limits on bundling and soft money as well as tighter restrictions on independent expenditures, all useful reforms but long overdue.

Mr. President, Congress has fallen in public esteem over the last few months. Some of the criticism has been quite justified, but a lot has been based on insignificant or really irrelevant matters. I know and you know that the vast majority of the men and women in this body and the other body are honest, sincere people trying to do what is right for their country, hoping they will be able to make a difference, and the outcome of that is debatable, as it should be, but the focus as always is on the aberration.

Whether we are talking about doctors or lawyers, dentists, laborers, there are always a few goats in the crop and those are the ones who make the evening news. The problem you are running into is the visual pounding of that night after night finally is accepted as a generalization of the institution, and that is what has given me great concern, because as people lose confidence in these institutions, democracy is threatened as people quit voting.

I believe we can do much to reestablish confidence in our political process and in this institution. The reforms in this piece of legislation are a step along the way. I strongly hope that the President of the United States changes his mind about this place of legislation and helps us put it into law.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mrs. KASSEBAUM. Mr. President, the bill that is before us for consideration on campaign finance reform contains many provisions that I could support. Foremost among these are the spending limits that would be applied to House and Senate election campaigns. I strongly believe that spending limits are an important and necessary reform in our campaign finance laws, and I commend the Senator from Oklahoma [Mr. BOREN], and others who have worked so hard to achieve this reform.

Unfortunately, this bill, Mr. President, suffers from a fundamental defect in my view and that is its provisions for taxpayer financing of congressional campaigns. I am strongly and flatly opposed to public funding of campaigns, and therefore oppose this bill.

I think we can see what has happened with public funding for campaigns with the Presidential campaigns. It was believed when that initiative was passed into law that public funding would be provided by those who would check off on their tax returns that they wished to participate, and it has continually and steadily declined. My opposition to public financing is based partially on the fact that we should not be creating a new entitlement program at a time of continuing high deficits, and clearly I think we would end up paying for these out of general revenue moneys.

We should particularly not create such a program without specifying the source of funding, as this bill would do.

Even more important to me, however, is the concern that this bill would repeat past mistakes by offering a reform that might only aggravate our present problems. Public financing could well lead to greater voter alienation from the process in and of itself and further weaken our political par-

ties. Nobody would feel they had a stake in the process, and it would further increase the barrier between candidates and voters.

Having the Federal Treasury write checks to every congressional candidate will do nothing to bring more people into the political process, and could well cause many people to be less involved and less concerned about our elections. Stopping or reducing the flow of special interest money is a good idea. Replacing it with taxpayer money I would suggest is a bad idea.

Unfortunately, this legislation stops well short of the Senate bill in addressing special-interest money. The Senate bill eliminates contributions by political action committees. This bill, the Congress report, merely reduces the PAC contributions to Senate candidates from $5,000 to $2,500, and it leaves PAC contributions to House candidates at $5,000.

Provisions of this bill to limit use of franked mail by incumbents and to regulate or at least require disclosure of so-called soft money also are weaker than I would like to see them, and I believe were stronger in the original Senate bill.

Mr. President, I am aware that my support for spending limits and my opposition to public financing places me in a kind of constitutional limbo. According to the Supreme Court the two must be connected, though I am not certain the connection has to be made in this legislation would do it.

All of this convinces me that the first step toward real campaign finance reform is to adopt a constitutional amendment that allows Congress to pass meaningful limits on campaign spending without public financing.

I support the effort by the Senator from South Carolina [Mr. HOLLINGS] to pass such a constitutional amendment. And until, it seems to me, we take that step, I fear we will never be able to move forward with the reforms so clearly needed in the present system.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SENATE ELECTION ETHICS ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. KERREY). The Senate will now resume consideration of the conference report on S. 3, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany S. 3, a bill to amend the Federal Election Campaign Act of 1971, to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The Senate resumed consideration of the conference report.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, we resume consideration today of the conference report on S. 3, the campaign finance reform bill, which would bring about sweeping changes in the way elections are financed in this country, which we have been discussing on this floor over the past several hours, and indeed through the course of much of this year.

This institution is in trouble. We all recognize it. The public recognizes it. Never have the approval ratings for Congress as an institution, or for individual Members, been as low as they are now, since records have been kept in modern times. It is clear that changes need to be made. All of us know the reasons; all of us understand the situation.

The present system is absolutely tilted in favor of incumbents as opposed to challengers. As long as spending is allowed to run out of control, as long as spending is not limited, as long as we allow money to continue to flow into the political process of this country, that process will be distorted. The confidence that the people have in their own representatives will be shaken, because they will continue to wonder whether or not it is the special interest groups that are being represented by this institution, those with the money available to pour into election campaigns, or whether these institutions belong directly to the people themselves.

Mr. President, for example, was spending allowed to run out of control and without limitation in the last election cycle in the House of Representatives? The spending by House incumbents was eight times as high as those of challengers. In the Senate, it was three times as high, $138 million raised and spent by incumbents versus $51 million by challengers.

Mr. President, I will continue with this report in a moment. At this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I yield to the distinguished President pro tempore, the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that I be recognized at 4:45 this afternoon, and that I may be recognized for 1½ hours beginning at 4:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oklahoma. If there is any problem on the other side of the aisle—there is nobody on the floor at the moment representing the other side of the aisle—I will be glad to try to work something out.

I do not want to be interrupted in my statement. I want to make a speech in support of this legislation and, as I say, if there is a problem on the other side of the aisle, we can try to make some alterations.

Mr. BOREN. Mr. President, I thank my distinguished colleague from West Virginia. When the floor manager on the other side of the aisle does come to the floor, I will take up this matter with him. I think he will understand, as do I, that the distinguished President pro tempore has been one of the most active Members of the Senate on this subject. I know that he has other appointments between now and that period of time, and he does want to participate in this debate.

The Senator from West Virginia is one of the greatest scholars of the history of this institution. He has thought long and hard about this issue and has provided unparalleled leadership on this issue over the last several years, including the time he served as majority leader in the Senate. He put great emphasis on the adoption of campaign finance reform as one of his major goals during his time as majority leader. I value his participation in this debate and look forward to hearing his remarks. I will consult with the floor leader on the Republican side to see if there is any problem with that.

If there is we will be in touch then with the Senator from West Virginia if we have to make a modification. Otherwise that certainly meets with the approval on this side of the aisle for the Senator to speak during that period of time. I have had no other requests on this side of the aisle that would conflict with that particular time period, and I understand that the Senator wants to have that amount of time in order that he might fully develop his reasons for supporting this legislation.

So I thank him for his participation in this debate. I look forward to hearing his comments, and I will consult, as obviously we want to make sure that these agreements are also acceptable to those on the other side of the aisle. We will consult as soon as the floor manager on the other side of the aisle arrives on the floor.

Mr. BYRD. Mr. President, I thank my friend, the able and distinguished Senator from Oklahoma [Mr. BOREN].

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, just a moment ago I was indicating a reason why it is so crucial that we have campaign finance reform, why this is a step that simply cannot wait. I mentioned that the present system not only has too much money pouring into it, but the average cost of campaigns, the average cost of successfully competing and winning a seat to the Senate has gone from $600,000 12 years ago, 14 years ago, to $4 million in this last election cycle. Too much money is pouring into the system. There is too much time, effort, energy, focus and attention on raising money instead of solving the country's problems. There is too much of the emphasis in campaigns themselves on the candidate that can raise the most money as opposed to the candidate that has the best ideas for solving the problems of the Nation.

It is not only a matter of too much money coming into the system, it is also the fact the system is dependent more and more on money and the outcome of the election is dictated more and more by money and which candidate has the most money, that the system also is tilting in favor of incumbents against challengers. It gives incumbents a huge advantage.

The absence of spending limits is the greatest single advantage that an incumbent has over a challenger, and there is absolutely no way of leveling the playing field and giving challengers an equal chance in elections unless we somehow limit this runaway spending.

Incumbents are here, they are in office. They are occupying positions where they are making policies and helping to make decisions that affect the people of the United States and affect the various economic interest groups across the United States. And, therefore, it should not be surprising that those economic interest groups are most willing to give campaign contributions to the people that are already in position to either help them or hurt them as far as their economic interests are defined. That is why sitting House Members have been able to raise eight times as much as their challenges to run for reelection. That is why sitting Senators have been able to raise three times as much as their challengers to run for reelection.

In the last election cycle in 1990, sitting House Members raised $148 million to run for reelection versus $17.4 million for challengers. It does not matter whether they are Democrats or Republicans. Incumbents have been able to outraise challengers. In the Senate, sitting Senators raised $138 million versus $51 million for challengers.

Too much money is coming into the system. The fact that money is such an important factor in winning House elections means that incumbents have unfair advantage over challengers.

And, finally, the third part of the problem is that too much of the money is not coming from small contributors back home in the home State of the Congressman or Congresswoman or Senator involved. More and more of it is coming from special interest groups that have axes to grind, that have a narrow sight of issues and interests that they use in deciding how they give out campaign contributions.

And the political action committee contributions, by the way, are adding to this problem of an advantage for incumbents.

Even more than individuals, political action committees representing the special interests give to incumbents over challengers. In the last election cycle, political action committees gave $16 to incumbents in the House for every $1 they gave to challengers. In the Senate the rate was 4 to 1.

The bill attacks that problem. It puts in place spending limits. It would bring the spending under control and, in fact, had the spending limits in this bill been in place in the 1990 election, 82 percent of the incumbents running for reelection would have exceeded those spending limits.

So we can see quite obviously that this bill would have reduced the money chase, would have reduced the flow of money in politics had it been in place, had it already been enacted in the 1990 election. In addition, it would have reduced the amount of money that candidates could have received from political action committees, from PAC's, by 53 percent. It would have squeezed more than half of the special interest money out of the process.

So this is legislation that is badly needed. The system cries out for reform. How in the world can we expect people of this country to regain confidence in this institution, which should belong to them, not to those who have lobbyists representing them in Washington, DC, not to those special interest groups that are able to pour millions and hundreds of million of dollars into campaigns. This institution is meant to belong to all of the American people on an equal basis. It should be votes and it should be effort and it should be energy and it should be ideas and it should be qualifications that decide the outcome of American elections and not money, money, and money.

It has to be changed. It cries out for change. The problem is not getting better. The problem is getting worse.

For example, the cost of campaigns from the 1988 election cycle to the 1990 election cycle went up. Again, 1988 candidates spent $1.30 per voter in terms of campaign expenditures. By 1990 it was $1.70 per voter. The contributions of political action committees, special interest to incumbents, as I mentioned awhile ago, 16 to 1, for incumbents in the House in 1990. So far, in the 1992 election cycles, PAC's are giving 25 times as much to incumbents in the House as they are to challengers, and it has gone up from 4 to 1, to 15 to 1 in the Senate. So the problem is getting worse.

The number of federally registered PAC's is continuing to grow. In 1974 there were 600; in 1990 there were 4,200.

What about where the money is coming from? In 1974, 69 percent of those elected to the House of Representatives received half or more of their funds from political action committees. Nine percent got over half of all their total campaign contributions from political action committees special interest, many of them with no connection or little connection with the home State or district to the Member of Congress. That was in 1974, 9 percent got more than half their money not from the people back home, but from the PAC's and the special interest groups.

By 1990 that figure had risen to 55 percent, more than half of the Members of Congress were receiving more than half of their funds from the political action committees in the special interest groups.

Then we have the problem of soft money. That is money that is contributed for the purpose of trying to help Federal candidates for the House or the Senate, for example to win the elections, or the Presidential candidates win the election. But to get around the $1,000 limit on how much individuals can give or the $5,000 limit on PAC's, these groups and these individuals then give additional money to the State party organizations and to other entities to run generic advertising—vote Democratic, vote Republican—in the midst of Federal elections, and using other tactics to influence the elections so they can get around the spending limits so they can pour more money into the system. It is not enough we are pouring hundreds of millions of dollars already in the system, they want to pour hundreds of million dollars more. And they want to evade not only the kind of total spending limit that we have in terms of what parties can spend directly on Federal elections—so much cents per voter—they not only want to evade that, they want to evade the individual contributions limits of $1,000 per individual or $5,000 for a political action committee.

So, we have fundraisers. Last night we had another record fundraiser. I believe it was $9 million was raised in one night in Washington, DC, last night. Money is being funneled to the State committees.

In 1991, a nonelection year, the national parties—and this is true of Democrats and Republicans alike, this is no claim on this side of the aisle that one party is more pure than the other when it comes to soft money—$24 million of soft money, often called sewer money because it is unaccounted for, was poured into the system again

in 1991. The Republican National Committee raised $3.3 million in soft money during January of 1992 alone. And we are already up to $13.360 million raised by them in soft money since January 1, 1991.

So, we have too much money pouring in. We have too much money coming from special interest groups, we have too much money going to incumbents versus challengers, distorting the system making it almost impossible for new people with new ideas and qualifications to come into the public setting. And we have soft money, sewer money, getting around those modest limits that are in place.

Something has to be changed. S. 3 addresses all of these problems it puts in place spending limits. It puts in limits on the proportion of campaign contributions that can come from political action committees and special interests, and it does away with the soft money loophole. It says if you are going to contribute money to a State party, for example, or through some other mechanism for the purpose of influencing a Federal election, you fall under all of the limits in terms of how much you can contribute.

No more are we going to be able, if this bill becomes law, these fundraisers where people are giving $100,000 each in soft money contributions to party committees around the country, to get around the limit that individuals can only give $1,000 to a candidate.

And, until we do something we are not going to change the perception of Congress. Seventy-five percent of the public, in fact 80 percent in the Gallup poll last week, said they disapproved of the way Congress was doing its job. And 71 percent of the public said they thought that most Members of Congress were more interested in serving special interest groups than in serving the people.

Mr. President, that perception is not going to change unless we do something about it. And it is time for us to act. If we do not do something about it, who will? We are the people who have the votes in the U.S. Senate. Those 80 percent of the people out there who are disapproving of the job that we are doing, the 71 percent who say they believe Congress represents the special interests, there is only one way for them to get things changed and that is for us to vote to do it.

We are here. Our constituents have temporarily put us into these positions. These desks do not belong to us. Our seats in the U.S. Senate do not belong to us. They belong to the people, and we have a responsibility to the people to clean up this system. It is a rotten mess. We all know it. How long are we going to wait to do something about it? Nobody likes the system. The people do not like it because they believe that money now has more influence than the people themselves in the political process. Nor do we like it either.

I do not know of a single Member of the Senate who likes the fact that he or she has to figure out how in the world to raise $4 million, the average amount required to run a successful race for the U.S. Senate. That works out to $13,000 a week every single week for 6 years, if you are going to figure out how to raise the amount of money the average campaign is going to cost.

Some people have said oh, well, Members do not really raise it every week for 6 years, they wait until the last 2 years to raise most of the money. If you wait for the last 2 years to raise most of the money you are going to have to sit down and figure out how you are going to raise $44,000 a week every week for 2 years. However you figure it, it is a huge burden. There is no way in the world—whether you are talking about an incumbent or a challenger who has to sit down and try to figure out how to raise millions of dollars to run for election or to run for reelection—that person is not going to be influenced by the pressure of that burden placed upon them.

Members run all over the country. There are Members here trying to raise the money. There are Members here—it has actually happened—who have held their first fundraiser to either pay off the debt they have from their last election or to look forward to their next reelection campaign—new Members who have been elected to the Congress who have held their first fundraiser in Washington before they ever even cast their first vote on the floor of the House or Senate.

Mr. President, how long are we going to let this go on? You cannot raise all the money in most States, especially small States with economies going through a rough time. In most States you cannot raise $4 million. So where do you go?

You have Members of the Senate or House from States—whether it is Oklahoma, or Kansas, or Idaho, you name it, Nebraska—in the middle of the country, bumping into each other in hotels in Boston and Los Angeles and Hollywood and Dallas and Chicago—you name it. They are going to the money centers of this country so they can raise the money instead of spending time back home, listening to their constituents, constituents who may not have money to give them a huge fundraiser.

But they have problems, that small business man or business woman on the Main Street of a small community—that farmer, that hardhat who has worked for 30 years for a company that is being restructured where people are being laid off, people who expected to live out their whole lives like their parents and grandparents before them, working for one company, thrown out of work now without health insurance and worried about how they are going to educate their children. These are the people we ought to be talking to, instead of being off holding a fundraiser in a city not even in a place we represent.

And yet, where you have to raise $4 million to run successfully for the U.S. Senate, you are not going to be here if you do not take the time to go to those places to raise that amount of money. Who feels good about that? Not this Senator. Nor do I know any other Senator, Democrat or Republican, who feels good about that.

And there you are in the middle of a busy day with a lot of pressure, running from one committee to another. We all know that is another problem we have with Congress—and we need to reorganize it—301 committees and subcommittees; the average Member of the U.S. Senate belonging to 14 committees and subcommittees. Most of them all seem to meet at the same time, at the same hour.

You are running around. Constituents come to see you, maybe 10 of them wind up in the waiting room waiting to see you, as I said yesterday, and you have to decide. I have 5 minutes before that next meeting where I have to be. Which one will I see, human nature being what it is, when your secretary says, one person out there is really well-connected. He or she could probably give a fundraiser for you and maybe raise $100,000. And the person sitting next to him, they are pretty well off, husband and wife. They could give you a contribution for $2,000 when you run for election. I am sorry, there are four others, school kids. Maybe one of them would have an idea when they grow up, and might make an enormous contribution to this country, maybe sit here himself or herself, someday. They could not contribute 25 cents to your campaign.

Here you are in the middle of trying to do your work and trying to raise $4 million. Are you going to see the schoolchild, who needs to be reassured about his or her own system of government and what it is all about, if you have 5 minutes available? Are you going to see the unemployed steelworker, or the farmers who scraped together the last few dollars they had to get here to try to talk to you or a member of your staff about their problems? And you are worried about raising $4 million for the next election and somebody is out there who might be able to put on an event to raise you $100,000; who is going to get through that door for that 5 minutes?

And then we say we are shocked that the people have come to believe, 71 percent, that the institution serves special interests and not the people themselves.

Mr. President, until we stop it, until we stop the money chase, until we put limits on campaign spending and cam-

paign fundraising, we are not going to change the perception of the U.S. Senate. We are not going to feel better about ourselves and how we do our job. And we are not going to bring our people back together as one people and one community until we stop it.

How can we stop it? We can stop it by passing this bill. And the President of the United States can help us stop it by signing his name to this landmark campaign reform legislation.

There are those who say, we want campaign reform, yes. We would like to get lower advertising rates; maybe cut the cost of television in half. That is fine. So if you have $10 million you can buy twice as many spots on TV than you did before. Because as long as you can raise an unlimited amount of money, if you cut the advertising costs all you are going to do is let people buy twice as much advertising. They are still going to spend the money. It is the rare candidate who raises the money who does not spend it, at least if he or she thinks they are in a close campaign.

Oh, yes, we will have some other areas in which we can reform the system. But the fact remains you cannot have real reform as long as you allow an unlimited amount of money to pour into the system, and as long as you burden the candidate with raising an unlimited amount of money to run his or her campaign.

Everyone is victimized. The public is victimized, the public interest is victimized, and the people who serve here, the people who came here because they wanted to do something for their country, and I think that is a vast majority, Mr. President, of the people who came to the Senate, they came here because they wanted to make a difference. They wanted to do something for their country. They did not come here because they wanted to spend their time, effort, and energy worrying about how to raise $4 million to run for office.

Let us do something about it. We all know it. We all understand it. Let us have the political will and the political courage to do something about it, and let us do it before it is too late. It affects everything that comes here.

Look at our huge budget deficits. We are robbing from our children; we are robbing from the next generation. Look at our tax policy. Look at decisions we make on spending, continuing to give more and more benefits that we cannot afford and we know we cannot afford. Writing tax policies that favor those with more clout instead of writing tax policies that would cause us to make some short-term sacrifices to rebuild the ability of this country to compete in the international marketplace.

The savings rate in this country is a disgrace when by international standards we are not saving and reinvesting in new plant and equipment and machinery. How in the world are we going to compete with the Japanese, Germans, the French, the Italians or others coming into the world marketplace? We cannot.

Mr. President, can we be surprised that we are not coming together and finding a consensus on these important issues when the way we finance our campaigns more and more fragments the American people into small, tiny isolated interest groups? Political action committees do not look at the record of the distinguished Presiding Officer and say, we are going to view the entire record of that Senator based upon his honesty, his integrity, his vision, the ideas he has for this country.

If it is the bank political action committee, they are going to look at three or four votes, the three or four votes cast on banking this year and whether or not he supported the banks. Or if they are the agricultural PAC, they will look at it from the point of view of agriculture. Or if it is the securities industry or the S&L industry, or you name it, they are not going to look at the overall record of the Senator, they are going to give that $5,000 based upon did you vote 80 or 90 or 100 percent of the time with our little group on our three or four votes this year.

When it comes time on the floor of the Senate to try to hammer out a consensus to get these budget deficits under control and to write a budget that will benefit all of us and undoubtedly call on all of us to make some sacrifice, maybe across the board, each of us doing our part, do you think it makes it easier when millions of dollars that we are dependent upon to run our campaigns is coming from groups that are judging us and handing us their money not based on the national interest but based on the interest of their little group on that particular big issue?

When we need unity in this country, the way we finance campaigns fragments this country and tears it apart and splinters it and makes it impossible for us to do our job.

Mr. President, this is not a Democratic problem and this is not a Republican problem. That is one of the other problems we have in this country today and this is one of the problems we have even in this Senate. Too often, we put on the party blinders and we try to decide what is good for this party or that party and we act like children on the playground—who is king of the mountain, who can score the most points against the other side? Can we score points against the Republicans today? Can they score points against us? We see it in our political elections.

The American people really do not care. There may be about 10 percent of the American people who are strong Democrats and they like it when Republicans get put down. There may be 10 percent of the American people who are strong Republicans and they like it once in a while when Republicans kick the Democrats around.

But a good 80 percent of the people of this country, really I think it is 100 percent when it comes to critical issues, are sick and tired of all that. They want us to be grownups, not children on the playground. They want us to see if we can find out what is in the national interest, what should be done to help the country. They are not interested in helping the Democratic Party or Republican Party. They are interested in handing over a country that is better when they hand it on to their children than it was when it was given to them. They do not want us to play games. They want us to get together and want us to solve the problems. And this should be an area where we can reach common agreement.

Frankly, the only thing that has prevented us from reaching a common agreement so far is that there are some who have said it is a matter of ideology on their part, spending limits are wrong, and we cannot be for any campaign finance reform effort that has any limit on spending. If your problem is too much money coming into the system and too much money flowing in from special interest, if the problem is too much money, how can you solve the problem when you say we will not do anything about how much money is coming into the system?

Mr. President, as I said before, that is like saying, oh, yes, we deplore the disease. We hope the doctors will do research into how we can cure this disease, but we forbid you to cure the patient. Like the mother who said to her daughter one day, "You can go swimming. Yes, you can go swimming, but I forbid you to go near the water."

That is exactly what it is like. To say we can have campaign finance reform but do nothing to stop the money chase, to do nothing to limit the flow of hundreds of millions of dollars in all forms into the political process is simply saying we do not want to have campaign finance reform.

You can throw up smoke screens about other subjects. We all know the Supreme Court decision. The Supreme Court decision says for you to have spending limits, they have to be voluntary. You cannot just pass along and say here it is, every candidate will spend no more than x dollars.

The Supreme Court tells us we cannot do that. I happen to think the Supreme Court decision is wrong. Like it or not there is the Supreme Court decision.

So we have to craft a bill that gives enough incentives to candidates that they will accept spending limits on a voluntary basis. That is what we have had to do with this bill, and we are perfectly willing to work with those on the other side of the aisle, those who have other suggestions as to how we

can keep the cost of those incentives to the bare minimum. But virtually any cost is a bargain in terms of cleaning up the Government process and returning it back to the people and putting a limit on runaway spending. There are many people who are recognizing it on both sides of the aisle.

It was my privilege when Senator Goldwater, the Senator from Arizona, a person who is not a member of my party but a person for whom, since I was in college, I had enormous respect for and for his integrity, there is a person whether you agreed with him or did not—and as a Democrat I did not always agree with him—but whether you agreed with him or not, there was a person of morale courage and character. Barry Goldwater did not leave you in doubt about where he stood. It was a privilege for me to be able to work with him introducing some of the early legislation to try to stop this money chase in American politics.

It was a privilege for me to be able to work with people like John Stennis who for so many years served as the Senator from Mississippi in this body. I remember Senator Stennis with great emotion in his voice talked about the changes that he had seen in American politics. He said "When I came here it was the people back home who sent me. It was the people back home who decided whether or not I stayed. It was the people back home who, when they came into this building, they looked up with awe and felt it was theirs." And he said, "How I have seen the period of time in which more and more it does not seem to belong to anymore." It seems to belong to those people who can hold the $9 million fundraisers like last night, in one night, or even for Senate candidates several-hundred-thousand-dollar fundraisers that can be held in one night.

As I have said, it is not really that the Members want it. It is not really that those Senators who have a half-million-dollar fundraiser in one night, for the most part I bet most of them go home—I know how I feel about it—you are relieved to have raised the money because you need the money to run a successful campaign as long as our system remains as it is. But you do not feel good about it. You do not feel good about having to raise it and how you have to raise it. We all know it needs to be changed.

It is not just Democrats. I was very pleased to read a release today:

Republican congressional alumni urge Bush to sign campaign finance reform. Sixteen former Senators and Representatives say bill would reinvigorate electoral competition and restore public trust in Government.

Sixteen Republican congressional alumni. I applaud them for speaking out because this bill was not written to favor Democrats or to hurt Republicans or vice versa.

I remember the first time that Senator Goldwater and I introduced our bill. Tuesday came, and on Tuesday's when we have our caucus luncheons and all Democrats go to one room and all Republicans go to another and have lunch together to discuss what is going on, they discussed our bill, the Goldwater-Boren bill.

I saw Barry Goldwater after the lunches broke up and he was shaking his head. It never took a lot to sort of get him down. I had never seen him look so agitated and kind of downcast. I am sure he saw the same look on my face. I said, "What happened, Barry?" He said, "Well, you wouldn't believe it." He said, "They closed the doors of the Republican caucus and they just beat me over the head for an hour and a half. They said, 'How in the world could you get tricked by Boren into cosponsoring a bill introduced by the Democrats in the way to finance campaigns?' "

I said, "Well, Senator Goldwater, it is pretty amusing; I look as beaten up as you do because when the doors closed on our caucus my colleagues jumped on me and said, 'How could you have been so naive as to let Barry Goldwater sign you on to a bill that was a Republican plot to help the Republicans?' "

We agreed that it was just too bad that we could not have piped the sound of the two caucuses into each other's room so the Republicans could have heard those Democrats who were yelling about me being for a Republican bill, that this was all a Democratic plot. At least that was the way it was presented in the Republican Cloakroom.

That is one of the problems around here. We have to find a way to start trusting each other a little more and once in a while surprising everybody. I remember President Truman had a favorite quote from Mark Twain hanging in the Oval Office the whole time he was President of the United States and that quote from Mark Twain said, "Always do right. It will gratify some people and astonish the rest." It is time for us to start astonishing some people, start trusting each other as Democrats and Republicans, and work in the national interest.

I am very grateful to these 16 Republicans, and they are people of real stature in the Republican Party and in the life of the Nation; people like former Senator Gurney; former Senator McC. Mathias, with whom so many of us had the privilege of serving; former Senator Bob Stafford, known very well to all of us; Senator Hugh Scott, who was the Republican leader of the Senate for many, many years; distinguished Members on the Republican side from the House of Representatives: John Buchanan, Paul Findley, Gilbert Gude, and many many others; Newton Steers, Tom Railsback.

I want to read to you their letter, the letter from these 16 Republican alumni of the House and Senate. They are not running for office anymore. They are not worried about scoring political points for themselves. These are 16 people who happen to be Republicans, who served in the Congress of the United States, who love their country and have but one motivation at this point in time to speak out, and that is the good of the country.

Here is their letter. Here is the letter that these 16 signed, that letter to the President. I ask unanimous consent it be placed in the RECORD, including the signatures and names of all the 16 former Members of Congress who signed it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 28, 1992.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: As Republican alumni of the Congress, we urge you to sign the comprehensive campaign finance reform legislation making its way to your desk this week. Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness and decency to our electoral process.

The public perceives that the current system isn't fair to taxpayers because special-interest campaign contributors get special treatment. And it isn't fair to voters because the overwhelming advantage incumbents have over challengers prevents competitive elections.

To address these problems, Congress has now passed comprehensive reform legislation which would establish voluntary spending limits, restrict special interest PAC contributions, provide partial public financing to credible candidates and end the "soft money" system that permits federally illegal contributions to be funnelled through state parties in order to influence federal elections.

We are aware that you have expressed concern over the use of public funds in congressional campaigns and the impact of spending limits on congressional challengers. We believe that the presidential public financing system has conferred enormous benefits on presidential politics since the Watergate era and that the public funding provisions in this reform legislation would inject an equally important source of "clean" money into today's congressional campaigns. Additionally, we are convinced that campaign spending must be brought under control and that challengers would be the principal beneficiaries of a level campaign playing field.

This legislation, while not perfect, would do much to reinvigorate electoral competition and restore public trust in government. We urge you to sign it into law when it reaches your desk.

Sincerely,

Sen. Edward J. Gurney, Sen. Charles McC. Mathias, Sen. Hugh Scott, Hon. Abner W. Sibal, Hon. John N. Erlenborn, Hon. Paul A. Fino, Hon. Robert P. Hanrahan, Hon. Ernest L. Konnyu, Hon. Thomas F. Railsback, Hon. Newton I. Steers, Sen. Robert T. Stafford, Hon. John H. Buchanan, Hon. Paul Findley, Hon. Gilbert Gude, Hon. Harry G.

Haskell, Hon. Richard W. Mallary, Hon. Charlotte T. Reid.

Mr. BOREN. I thank the Presiding Officer. I want to now read a portion of this letter from the 16 Republicans.

In addition, as I indicated yesterday, 32 past and present Republican candidates for Congress from 22 States called upon President Bush to sign landmark congressional campaign finance reform legislation recently passed by the House, according to a letter released by the citizens action group Public Citizen. I quote their press release quoting the letter.

As congressional challengers and loyal Republicans, we urge you to sign the campaign finance reform legislation making its way to your desk this year.

The challengers said:

Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our legislative process.

So, Mr. President, this is not a bill about conveying an advantage on Democrats. Obviously, these Republicans who ran for Congress did not think so. They were challengers. It is not a bill to restore an advantage to Republicans either. But it is a bill that will stop the advantage, that will stop the advantage that incumbents now have.

The single biggest advantage—and we focus on some of the items—perks we call them—gives advantage to incumbents. We talk about the franking privilege, for example, the free mailing. I happen to be one of those who several years ago did away with mass mailings to my constituents. I did away with the newsletters that were nothing but paid political advertisements filled with photographs of myself, as other Members of Congress have done before, doing good deeds, campaign advertising paid for by the taxpayers sent out across the country at vast and enormous expense.

It is very interesting. I did not get a single letter of complaint. Not one citizen wrote to me when I stopped sending newsletters 8 or 9 years ago saying "Senator, we are distraught. We missed your newsletter this month. When are you going to start sending them again?" In fact, somehow it made its way into print that we had saved about $900,000 by not sending them that newsletter. It did not hurt their feelings one bit.

When we think about the things that are often talked about in terms of giving advantage—and I see the distinguished chairman of the Rules Committee, the senior Senator from Kentucky, on the floor. He has been one of those who has led the way in reducing some of those benefits to incumbents and reducing mass mailing, for example, and getting control of some of the spending by incumbents and giving them advantage. You can add up all those things that are often talked about, the mailing privileges, and all the rest.

They are very small in terms of the benefit they give to incumbents when compared to the huge advantage given to the incumbents by the absence of spending limits in campaigns, because that is where the real advantage is. When incumbents can raise 8 times as much as challengers, when incumbents can get $25 from PAC's for every $1 given to challengers, this is where the advantage is.

People have said to me, members of the press have come up to me, as they have for the last 9 years since we have been trying to pass this bill—Mr. President, I do not want it written on my tombstone: He tried to pass campaign finance reform. It has been 9 years. I want written on it: It passed.

But every year that we have tried. I have members of the press come to me and say, kind of with a smile: Oh, Senator, how do you think you are going to convince the Congress to pass a bill to change the current system when the current system gives them such an advantage? How are you going to talk a group that is able to raise eight times as much as their challengers into voting for a bill that would limit their right to that spending and that fundraising? How in the world do you think, human nature being what it is, you are going to get your colleagues to vote for real reform like that?

Mr. President, maybe it is naive to say it, but I believe there are still Members of this body that are concerned about doing something for the country and the process, that are proud to be trustees of that know that this institution is more important than the political survival or the political careers of any of us as individuals. I believe they know it.

So I am depending upon a certain element of statesmanship that I do not believe has totally vanished from the American scene. I hope not. I know enough of my colleagues who do care to know that there are a sizable number of them that will decide to vote for or against this legislation based upon what they think is right for the country.

Frankly, Mr. President, I am hoping that the people are going to be heard from, the 80 percent who, in that poll, said they think Congress is doing a poor job; the 71 percent who think we are owned and controlled by special interests because of the power of money in politics.

Mr. President, I am counting on the people to be heard from. If those 80 percent who think that Congress is doing a bad job, those 71 percent who have the impression that Congress is controlled by the special interests because of the power of money in American politics, will write the Members and call the Members of Congress, and will say, "You are going to vote tomorrow. Vote to stop the money chase; vote to limit spending; vote to cut the amount from political action committees in half; vote to close the soft-money loophole. Take action; do it." If they will add to their letters, "We are going to hold you accountable if you do not," I am confident that this democracy still works well enough that the voice of the people, if the people care, will make a difference. That is the test. That is the test.

I appeal to the American people. This is your system. Care enough to take the time to call or write the Members of Congress who should be representing you and tell them that you want campaign finance reform.

Write the President. Call the President. If we are fortunate enough to get this bill out of the U.S. Senate and send it on to the President's desk—it has already passed the House—whether you are a Democrat or a Republican, let the President know you want it signed.

If you are a Republican, join these 16 distinguished former Republican Members of Congress. They cared enough to write a letter to their President, 16 former Republican Members of Congress. They took the time to write their President urging him to sign this bill.

Whether you are a Democrat or a Republican or an independent, it is time for the American people to be heard from and say: We have had enough of the money chase. Let us stop it. Let us do something to put a stop to it.

In newspaper after newspaper across the country, editorials have come out in recent days. On April 19, in the Milwaukee Journal, for example, here is what they had to say:

Go ahead and rail at House members who until recently could bounce checks with impunity at their private bank; they deserve, the rap. But give the entire Congress credit for moving to clean up a much bigger scandal: the putrid campaign-finance system. If George Bush wanted to look truly presidential, he's sign on to the cause.

Alas, Bush threatens to veto a House-passed measure viewed as the most significant anti-corruption legislation since Watergate. The bill, the product of a House-Senate conference committee, limits spending.

It goes on to specify—the editorial describes the rest of the bill as I have previously described it. It continues:

The measure isn't perfect. The ceilings themselves are higher than many candidates already spend. And Congress cravenly failed to say where the money for expanded public financing would come from.

Still, as reforms go, this is a biggie. And the objections of Bush and other Republicans don't stand up under scrutiny. They argue, for example, that taxpayers shouldn't have to finance elections. But as Common Cause points out, Bush himself has used more than $200 million in public funds since 1980 to finance his campaigns for vice president and president. Why is what's good for a White House campaign bad for a congressional race? Why isn't the cause of cleaner elections worth a public investment?

As for the GOP claim that spending limits would only help incumbents, if anything the opposite is true. Incumbents already have a gaint fund-raising advantage. The new limits would help level the playing field.

Sad to say, if Bush makes good on his wrongheaded veto threat, there won't be enough votes in either house for an override. The president doubless will go on making political hay out of congressional corruption. But voters oughtn't to be fooled: Bush will have had his chance to clean up the squalid fund-raising system he professes to deplore, and he will have blown it.

The Tennessean newspaper from Nashville says much the same thing.

This nation shouldn't have to wait until another scandal shames Congress to get campaign reform. The bill now on the table reduces the clout of money on the political system. Its most ardent supporters should be the people who are tired of seeing special interests get special treatment.

Its most ardent supporters should be the people themselves.

Big money is corrupting the political process. President Bush might believe that the status quo is just fine. After all, he's done just fine in the current system.

And I might add, so have most of the incumbent Members of Congress, Democrat and Republican, done fine, because incumbents were able to raise the money. The editorial concludes:

But he should know that most people think it stinks, and he should know that most people are looking for change, not excuses.

The time has come for us to act. This is a bill that does not seek to give partisan advantage; this is a bill that seeks to clean up this rotten system. It is time for us to pass it. It is time for the President to sign it so we can create a political climate in this country that will enable us to tackle those problems we desperately need to face: Reducing the budget deficits, changing our tax laws to make us more competitive, and improving our educational system to prepare our children for the challenges that face them in the next century.

Mr. President, it is time for us to pass S. 3, the campaign finance reform bill. It is time for the President of the United States to sign it into law. It is time for us to take the most important step we could possibly take: To return this institution to the control of the people, and to restore the trust of the American people back in the Congress and in their political institutions once again.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, yesterday, the Senate began consideration of the conference report on campaign finance reform. I believe that the conference report makes great strides toward reaching our stated goal of establishing meaningful campaign finance reform. It is a report that deserves to be passed by this Congress and signed into law by the President.

Throughout the consideration of this issue, I have stated repeatedly that meaningful campaign finance reform must establish spending limits. We must put an end to the money chase and limit the influence of special interests.

It is clear that the money chase is not being reduced. It is getting bigger.

Mr. President, each election cycle shows that spending for Senate elections is continually rising. In the 1990 elections, the average cost for a winning Senate incumbent was $4.5 million. In the 1988 elections it was $4 million. This reflects a 12 percent increase over the 1988 elections.

It should be no surprise that successful Senate candidates were able to outspend their opponents. In the 1990 elections, incumbents outraised challengers by a ratio of nearly 3 to 1. Thirty-two incumbents raised a total $144.5 million. Senate challengers raised $49.5 million. The present system is not fair and does not present a level playing field for challengers.

Mr. President, critics of this campaign finance reform report argue that spending limits will only protect incumbents and harm challengers. But the data proves otherwise.

In the 1990 elections, in 28 races where an incumbent faced a major-party challenger, 26 of those incumbents outraised and outspent their challengers. incumbents raised $4.9 million each, while their challengers raised $1.8 million. Incumbents received 24 percent of their contributions from PAC's while challengers only received 15 percent from PAC's. And, incumbents spent $4.5 million, while their challengers spend $1.7 million.

Mr. President, this is not an incumbent protection bill.

Opponents to campaign finance reform argue that in the 1990 elections, spending actually declined. But these critics overlook important factors. There were no Senate elections in some of the highly populated States, such as California, New York, Florida, Pennsylvania, and Ohio. Senate campaigns in these States are usually among the most expensive.

One way to look at election spending data is to compare the costs per voting age population. In the 1990 elections, the cost per voting age population was $1.70 per voter. That is almost 2½ times more than in 1980, when the cost per voting age population was 60 cents per voter.

And the facts show that the money chase is already on for the 1992 elections. Based on the FEC's year end data for 1991, receipts for congressional campaigns increased by $31.8 million compared to the same period in the 1990 elections. Senate and House candidates raised $159.9 million and spent $89.9 million in 1991, and entered the election year with cash on hand of $159.7 million.

Senate incumbents have raised a total of $43.6 million: $1.4 million each. Senate challengers have raised $17.8 million.

Now, more than ever, we need to put a cap on spending.

But that is not enough, Mr. President, Merely putting a cap on spending is not going to end the perception that our campaign finance system is seriously flawed. We must also put an end to the influence of special interests. This conference report takes important steps to minimize special interests' influence.

First, the conference report places an overall cap on the amount of PAC money that House and Senate candidates may accept. The conference report limits Senate candidates to an amount equal to 20 percent of the election cycle limit, a minimum of $375,000 and a maximum of $825,000. Moreover, the conference report reduces the amount that PAC's can give to Senate candidates from $5,000 to $2,500.

President Bush and others have called for the elimination of so-called special interest PAC's. But let's be honest. The President's own proposal did not call for the elimination of all PAC's. His proposal would permit nonconnected, ideological PAC's to continue.

Mr. President, the conference report treats all PAC's alike. And I think that regardless of which side of the aisle you stand, everyone recognizes that the total elimination of PAC's raises legal and constitutional concerns. Many of the campaign finance proposals, Democratic and Republican, included some form of fallback provision.

There are other areas of reform which need to be addressed if we are going to limit the influences of contributions. These are bundling and soft money.

We need to end the practice of bundling, where an individual like a corporate executive can wield an undue influence because of the bundling of contributions.

Recently, the Washington Post ran a series of articles which highlighted the issue of bundling. These articles demonstrate very clearly that the system which permits bundling is seriously eroding the confidence of the American people in the way our Government operates.

It seems very clear that a system which encourages people to engage in fundraising activities for the purposes of seeking special treatment or influence in decisionmaking needs to be addressed.

The conference report severely restricts the practice of bundling. With a few limited exceptions, the conference report prohibits executives, lobbyists, sole proprietorships, and partnerships, from bundling contributions.

Another area that has seriously undermined the political system is soft

money. If there is one particular subject on which we can all agree, it is that we must end the practice of funneling money to State and local parties as a means of evading the Federal limits.

The conference report prohibits the use of soft money to be used during the Federal election period. Under the terms of the conference report, State and local parties could only use hard money during the Federal election period. This period begins on June 1, and in a Presidential election year on April 1.

Not only does the conference report ban the use of soft money to be used to influence a Federal election, but it prohibits any Federal candidate or any Federal officeholder from raising soft money contributions.

Mr. President, this is tough medicine. As the distinguished majority leader has noted, this is one of the strongest reform bills ever considered by the Congress.

This is a bill that deserves the attention and consideration of every Member. It is a bill that deserves to be passed by the Senate. And most importantly, it is a bill that must be signed by the President.

Mr. President, as we begin this debate, there is one basic point that should not be missed. It is the point that has driven the debate on this issue. And while each side accuses the other of attempting to seek partisan advantage, it is the same fundamental point that has motivated us all.

The point is very simple: the American public is growing increasingly cynical about this institution. The American public is cynical about how we are elected, how we work to stay here, and how we spend our time once we get here. For those of us who have been here for a few years, for those of us who feel some responsibility for the image of this institution, we feel very deeply that something must be done now to address the current system of campaign finance.

The American people want us in Washington to do something about the problems confronting our Nation. Now is our chance to show them that we are listening. We must take the steps of establishing a framework for financing congressional elections that will inspire public confidence and restore our reputation as truly the representative body of the American people. This is our opportunity. Now is the time.

Mr. President, two or three things have been said on this floor during this debate that I take a little exception to. One is they did not like the way the conference committee was run. I happened to be chairman of that conference committee. I thought we did a decent job. I only did what I talked to my colleagues about.

Those on the other side said: You have enough votes to pass whatever you want to; let us go ahead and get it over with. And the President is going to veto it anyhow.

It gets a little bit frustrating around this institution when you work hard and you put something together that you believe is in the best interests of the political climate in this country, that you believe is in the best interests of improving the integrity and character of this institution, and you know it is going to be vetoed. And the 34 votes, or whatever is necessary on this side, will walk like sheep because the President is opposed to it.

We have heard two or three things today that I think are important, Mr. President. One, the President is against public financing. Yet, he will be the largest recipient of taxpayers' dollars to run a political campaign of any individual in the history of this country, $200 million by the end of this campaign.

Then, he also is concerned about the so-called soft money that we will be eliminating, what the press refers to as sewer money. I have heard that from the other side, sewer money. But yet, the President received, in 1988, 249 $100,000 individual contributions. It would be surprising, if you go look at that list of 249 names that would be there. They would be a little bit startling, I think. And hopefully, we can get all of those revealed before the vote on tomorrow afternoon.

Then we hear a lot about challengers. As my friend from Oklahoma, Senator BOREN, has said—he quoted the Republican challengers, the Republican challengers that have written the President a letter; I think 30-some-odd Republican challengers from 21 States, that have said to the President: Sign this bill. We have been there. We have been through the trials and tribulations. And they say: Sign this bill. We think it is in the best interests of challengers.

Well, you will find a few exceptions to the rules where challengers were able to win. But here is a massive group of those that have been out in the grassroots fighting for election, and they are saying to their President: Please sign this bill.

Republican candidates call on the President, and they say emphatically sign this bill.

I think that challengers have the most to gain from this legislation. They say: "Why are you going to do that? You are an incumbent." I think it is the right thing to do. Others will take the opposite view, and they feel it is the right thing to do. When you talk to your constituents, they want to limit the expenditure of funds during a campaign. We have lost that personal-issue touch with our constituents. We are raising so much money that we get on TV and hire people to go door to door. We hire telephone banks, we hire pollsters, and we hire PR firms because we have the money. As prices go up, we raise more.

I doubt seriously in this campaign, Mr. President, that I will raise more than will be authorized under this piece of legislation for my campaign this year in Kentucky. Yes, I have raised some PAC money. Yes, I have over 2,000 individual contributors so far, and I will have more.

I had a little situation in my State where we had a Governor race, and that was a very expensive race, and a lot of money was raised. They passed a bill that goes into effect on July 1. In regard to what is happening down there, the legislature did pass a bill, in my opinion, that will be helpful to the future.

I quote from the Washington Post, Mr. President, from this letter that was signed by Republican House challengers:

> As congressional challengers and loyal Republicans—

I underscore that—

> we urge you to sign the comprehensive campaign finance reform legislation making its way to your desk—

They are the ones that have been in the fight; they are the ones that had to be out there in the challenge. So I also quote:

> Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our electoral process.

Restore a measure of fairness.

They say we are on the white horse and we have our eyes on the White House and that sort of thing; we are trying to look good because we know the President is not going to sign it.

Well, I hope that the President might fool us all and sign it, but those on the other side are convinced that he will not. When the Republican National Committee was asked about their response to this letter, the RNC spokesman said the challengers are off base. Off base, Mr. President, because they want some kind of level playing field and restored fairness to the political process. The President's own party members see that this bill will level the playing field, it will restore fairness, it will restore competitiveness to the election process.

I think the President is well advised by these loyal Republicans, as they say they are, to sign this legislation. I hope that he is listening—I hope that he read the letter—and, if not to this debate, then to those of his own party that admonish him to sign this piece of legislation.

Mr. President, there are a lot of editorials that you can read. But if you go back and talk to your constituency, they are the ones who feel so strongly about this. I hope that when we pass this bill tomorrow, the President will consider this letter from these 33 past and present challengers from 21 States that wrote to the President saying that

such legislation as this is necessary to restore a measure of fairness to our political system.

Mr. President, I ask my colleagues to join with those of us who support this legislation. You can always find something unfair about everything. I remember a lawyer—I am not one—turned around and said, "What should we do on this?" The other lawyer said, "Go either way, and we will make one heck of a case out of it." I think that is really what you can do here; but you have to come down on the side of fairness and of trying to restore some integrity to the political process in this country, and you have to come down on the side of what I believe the constituents in my State and others want.

Mr. President, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. A couple of quick observations because we have other speakers here. In terms of views of people of my State, Kentucky, on the issues currently before us here on the Senate floor, we have a pretty good indication, because a bluegrass poll recently taken by the Courier-Journal in Kentucky indicates that 65 percent of the people in Kentucky oppose Federal funding of political campaigns; 65 percent against, only 29 percent for.

In addition to that, we have further evidence about how the people of Kentucky feel about their tax dollars being used for political campaigns. Out of all the 50 States, in terms of the taxpayers who choose to check off $1 of taxes they already owe to divert to political campaigns for the Presidential race, Kentucky is next to last. Only 10 percent of the taxpayers in Kentucky check off to divert $1 of taxes they already owe—it does not add anything to their bill—into the Presidential election campaign fund.

So it is pretty clear, not only from the bluegrass poll, but the real poll taken every April 15 when the taxpayers of Kentucky have an opportunity to check off, that they have little or no enthusiasm for having their tax dollars spent on political campaigns.

I see a number of Senators are here ready to speak.

Mr. FORD. Mr. President, since Kentucky was used here—and I might just say that my good friend when he talks about the checkoff, that there is no comprehensive legislation for that money to go to as it relates to this, and he is down there and admonished the people in the Kentucky legislature not to pass their reform bill and they did overwhelmingly and most of the Republicans voted for it.

So I think when you go down to Kentucky and you look at the reception that those who are opposed to campaign finance reform have received, and then the final vote on campaign reform in our State, it reflects basically what the people have—the Mason-Dixon poll—no better than the one taken in 1984—then this one is not much better. So we cannot rely on it, a 22-point advantage on the Mason-Dixon poll.

Mr. MCCONNELL. Mr. President, not to continue this too much longer, but to correct the Record, only one Republican in the State legislature voted for the final piece of legislation.

Mr. FORD. They voted for all the amendments.

Mr. MCCONNELL. My colleague refers to—it was a straight party line vote.

The PRESIDING OFFICER (Mr. LIEBERMAN.) The Senator from Colorado [Mr. WIRTH] is recognized.

Mr. WIRTH. Thank you very much, Mr. President.

I am very pleased the campaign finance reform legislation is finally back on the floor. This is an issue with which some of us came in and are going out.

After Watergate, in 1974, one of the most important issues facing the country was the return of integrity to the political process, return of integrity to the process of the Presidency of the United States and the Congress. The country got together and passed a very comprehensive bill to clean up how money is raised for Presidential elections—a previously scandalous system in which a handful of people had an enormous amount of influence in the White House because of ability to effectively purchase political outcomes.

That got changed in 1974. We put a limit on the amount of money we spent and set up a shared public/private way of financing Presidential campaigns. It was a right thing to do and for the most part has worked very well.

Why did we not do that for the Congress? I do not know. I was not here at the time. It was a great shame we did not, because at that point we had an opportunity to sort out the problems that are still with us today. Unfortunately, we did not do so. So all the money that used to go into Presidential campaigns fell into the vacuum still present in congressional elections.

We have seen the cost of congressional elections go up dramatically during the last 18 years. It has gotten to cancerous proportions, but now we have an opportunity to begin to eliminate it. This bill, in my opinion, does not go nearly far enough. It is sort of a faint echo of what we ought to do. At least it is a step in the right direction of admitting there is a very serious problem out there.

What kind of problem are we talking about, Mr. President? There have been lots of illustrations of this in the debate on the floor in the last 24 hours. Let me provide another one.

Today the President of the United States, George Bush, who, as has been pointed out, has received more public funding for Federal elections than anybody else in our Nation's history, followed up again on a promise that he had made in the State of the Union Address. That was somehow to get after those big, bad regulators at the Federal level whom he is boss of for the last 3½ years, obviously not watching what they were doing. He is now shocked and horrified to find out what the regulators are doing in drafting regulations to implement Federal law. So with a great deal of fanfare today the President has said we are going to have a further 90-day moratorium on regulations. I am going to be out there beating on this bureaucracy which I am the head of, by the way; I am going to beat up on the bureaucracy on behalf of the people in the United States.

On behalf of whom? Let us take a look at what the President is doing today. With this moratorium he is, for example, halting the identification of rare plants and animals under the Endangered Species Act.

We have been concerned for a long time about biodiversity. Our pharmaceutical industry is now one of the leading industries in the world, in large part because it is able to plum the incredible richness of biodiversity. But the administration is out there saying, "Hey, we are going to halt the identification of rare plants and animals." They are going to do this in the name of some kind of regulatory reform.

Nonsense. There are interests that aren't the public's interest behind this, Mr. President, and that is why he is doing it.

He is going to delay the rules to carry out the Clean Air Act. George Bush has been out there advertising to the country that we have this Clean Air Act. He proposed one in 1989. It was a good act, by the way, when he proposed it. It went through here and all kinds of compromises, and he is going to be out boasting about the Clean Air Act for the rest of the election. Bet on that. He will not be telling the people he is delaying the rules to carry out the Clean Air Act. The act is toothless without letting people know how it should be implemented.

Why is he doing that? There is somebody behind that as well, Mr. President. He is restricting the ability to stop the ravages of our forests. We are out there all across public lands in the United States, spending tens of millions of taxpayer dollars, to subsidize the tearing down of our national forests—perhaps the single most mindless item in the Federal Government.

The program is going to shave it away so it is going to be more difficult for citizen groups to challenge the ravaging of national forests. Why is he doing that? Somebody is behind that as well, Mr. President.

The 90-day moratorium limits the ability to protect workers against the exposure to chemicals and toxics. As we are learning about toxics and chemicals, one of the things we ought to understand, it seems to me, is that these can be very, very damaging to human beings.

You get exposed to chemicals, you get exposed to heavy metals and various toxic substances. We don't know what that does to a person, so we ought to be protecting workers against these substances. That is the logical thing to do. A little bit of protection today will save an enormous amount of money in the future particularly with rapidly rising health care costs.

But the President is going to limit our ability to protect workers from this. Who is for that? Somebody's behind that as well, isn't there?

We are going to relax the biotechnology safety rules for producing living, genetically altered substances. We are in the laboratory developing a whole variety of new biotechnology, new genetically altered substances and releasing them in the environment.

Should we be careful about that and wait and make sure we know what in fact we are all exposing? Of course. Any rational individual would say we ought to be careful about that. But this moratorium is going to relax all of these rules. Somebody's behind that.

The moratorium postpones the deadline for food producers to label products with nutritional information. Presumably we are concerned in the United States about making sure that people can know what it is that they are buying and what they are consuming. More and more Americans are concerned about wellness, and with good reason. More and more persons are taking the responsibility to take better care of themselves. One of the ways to do that is to know what is in a food product. And there are requirements in the law that says those food products ought to be labeled, but we are going to postpone the deadline for that kind of labeling.

Whose interest is that? Somebody's behind that one as well, Mr. President.

The moratorium, also lifts some of the barriers between commercial banking and investment banking. And presumably this moratorium is going to make it easier for commercial bankers to get into investment banking. We have just been through the S&L scandal. I think everybody here has gone through the pain of watching this hit-or-miss runaway financial services market in which we deregulated the savings and loan industry.

Ronald Reagan told in the Garn-St Germain bill, he hit the jackpot. He hit the jackpot already for hundreds of dollars, billions of dollars the American taxpayer is paying because we relaxed the rules. We took taxpayer-subsidized money, taxpayer-guaranteed deposits and let these S&L operators run away with them in all kinds of cockamamy investments.

But now what are we going to do? We are going to do the same thing all over again, going to relax the rules between commercial banking and investment banking.

We have just been through that. We just learned that lesson. Why are we doing this? There is somebody behind that one, is there not?

In each and every one of these situations, Mr. President—in each and every one of these—there is a powerful interest group out there spending an enormous amount of money—probably at dinners like last night's, or dinners like the ones that have been held by Democrats as well—vast interests who are out there attempting to purchase political outcomes; and being very successful in doing so.

Who is trying to get rid of the Endangered Species Act? Who is trying to gut the Clean Air Act? Who is trying to stop us from tearing down the rain forests? Who is trying to say let us tear it down some more? Who is trying to continue the exposure of workers to chemicals and toxics? The whole business of biotechnology, all of these new living genetically altered substances going out into our air, land, and water, who wants to do that and not protect the public against potential abuses? Who does not want to label food for nutritional purposes? Who wants to break down the barrier between commercial banking and investment banking?

Do you think President Bush's proposals are being altered in the interest of the average individuals in the United States? Hardly. The average individuals are the ones who are increasingly alienated by a system in which some are able to come in and purchase those political outcomes.

And that is what campaign finance reform is all about. We must halt the abuse of power by interests in this country who are taking advantage of the system. They see the opportunity, so they use it. We have the chance, here, to get rid of a great deal of this abuse. Yet we hear: "Well, you cannot do that."

People in this country know what is going on and that ours is a terrible and bankrupt system. I suggest that what we are seeing today in this moratorium on regulations is simply the trough for a whole variety of interests who now have the opportunity to get in and make sure their chits are called in.

For each and every one of us as well, this is not only a terrible system, it is one that is fundamentally wrong to the political process. Those who have to go around cup in hand, city after city after city, raising phenomenal amounts of money, spending a great deal of time, vast amounts of our time, during a campaign where we ought to be talking about ideas.

We ought to be talking about differences with our opponents. We ought to be talking about a whole variety of substantive things that make the country work, or should make the country work, or limit the ability to make the country to grow. We are not doing that. We are out embarking upon this massive income-transfer program, income transfer from donors to campaigns—take the money from those donors and in effect give it to television stations.

We are out, occasioning that and being the broker in that income-transfer program. That is wrong in terms of the level of debate, as to what goes on. The people we spend most of our time with are people who are way up there, in terms of income category, who can afford to get into this game. Everybody else is effectively left out of this game.

In addition, the level of debate in this institution and elsewhere is lowered with each passing year. Members are scared of the power of money. Members are frightened to take on these interests. That is what is going on here. We all know it. Nobody will admit it but it is exactly the case.

What happens? You get out and you take on a group with an amendment or a particular piece of legislation, you take one of those groups on and what are you thinking about all the time that you do that? You are thinking, if I push too hard over here what they are going to do, maybe they are not going to give me that PAC contribution. Maybe the executives are not going to get together around the boardroom table and make contributions of $10,000, or $15,000, or $20,000 to my campaign, so maybe I should be more gentle on them because I have to, in this rush to gain money. What I have to do is get those contributions to come in. That is one level of fear.

There is another level, a second level of fear which is a bit deeper. If I really go after that group maybe not only will that contribution not come to me, maybe that contribution will go to the other guy. That sort of doubly compounds the problem of doing the aggressive public business we ought to be doing.

So the pressure of that money not only is negative, it might not come to me, it gets worse because it will go to the other guy, therefore doubling the penalty. And worst of all, the thing that can happen is maybe, oh, devilishly horrible thing, what will happen is that money will take the form of so-called independent expenditures.

The reality of the situation is this—along with not contributing to you, they may give money to the other guy, but they will go out and run these terrible negative third party campaigns that are so-called independent, unconnected from what the regular candidates are doing.

Where is a perfect example of that? Probably the most egregious example

is the National Rifle Association. The NRA is probably the best example of an interest group in the country that is very narrow in size, but because it is able to generate this kind of political fear, because as a very narrow interest group it is able to go out and spend in a negative way, it has power far beyond its legitimate stake in this society. It is a perfect example.

And what happens? Here we are, where a huge percentage of the American public supports a waiting period, to buy a handgun and where you can find very few people in this society who can give you a reasonable argument as to why we ought to sell assault weapons in the hardware stores and sporting goods stores—maybe they believe someday we are going to put in, after the black powder season, and the archery season, and the hunting season, we are going to have an assaulting season so we can all go out and get an assault weapon. Legislators fear opposing the few and supporting what most of America believes because the power the NRA may have against them is so great. This is the perfect example of an enormous abuse that comes in by the ability to collect and spend money to focus on an agenda that is out of the mainstream.

The level of debate is reduced. The level of the ability of this institution to respond is reduced as well.

The final point I want to make relates this, as well, to this so-called term limitation movement. In my opinion this term limitation movement is one of the most undemocratic ideas that has ever come along. Why is it that people in one part of a State presume they can tell people in another part of the State who it is they can vote for as their Congressperson; or people in one State can tell somebody in another State who can be their Senator? That ought to be up to the people in that State to decide, who is going to be their Senator, who is going to be their Congressman, not some kind of arrogating of that responsibility by some broad group overall.

That is up to citizens to make that decision. That is what the democratic process is all about. It is not somebody else, not some anonymous group, or whatever it is, but citizens in that district, or citizens in that State who ought to be able to make the decision as to who is and who is not going to represent them.

But we have this term limitation approach. Why? Because what has happened in this whole campaign finance system is that incumbents have such an advantage, so locked in with all of the advantages of being able to raise money, all the leverage, all the values of incumbency, all the access to the boardrooms, the access to the PAC's—incumbents have such an enormous advantage that it is very difficult for challengers to run. It is very difficult for challengers out there to take on people who are already in office.

Consequently, legislative bodies become somewhat calcified. You do not have the kind of new growth, you do not have the kind of challenge coming in, you do not have the kind of competition coming in. And competition is good in politics, as it is good every place else.

So the lack of campaign finance reform leads us to this thoroughly undemocratic notion of term limitations. Term limitations is a natural, frustrated response to the fact that nonincumbents cannot run; to the fact that there is less challenge to insiders than there ought to be.

This system is a terrible, terrible system. The one we have now is remarkably undemocratic. The one we have now, like the ones I was talking about earlier in this so-called moratorium on regulations, allows pockets of power to people with very narrow concerns who have, in effect, been able to use the system and purchase their way into this, attaining outcomes much beyond, I would suggest, their legitimate stake in this society; much beyond their legitimate voice in this society. They have been able to have that megaphone because they spent and bought it. That is wrong. It ought to be changed. This bill is a first step in the right direction, a modest step, not nearly as far as I would like to see it go and not nearly as far as most of the American people would like to see it go once they understand it. But, Mr. President, it is at least a step we ought to take.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, sad, sad, sad, sad it is, that our thoughtful and distinguished and hardworking colleague, the senior Senator from Oklahoma, has been reduced to defending a bill designed purely for partisan advantage and totally ineffective to deal with the crying need for reform in the American and, most particularly, the congressional campaign system.

That Senator has devoted many years and countless hours to what I consider to be a genuine attempt to bring needed reforms to this campaign election system. That he has failed seems obvious to every objective observer. That he feels bound by the actions of his party to defend the system upsets those of us who very much wish to join with him in a bipartisan attempt to meet real needs.

As unresponsive to those real needs as was the bill which passed this Senate last year, at least it did deal with the single element of the present system which most troubles and aggravates the American people: political action committees. For all practical purposes, such committees were banned by the original Senate bill and Members and challengers were reduced, or perhaps I believe it more appropriate to say were granted the opportunity to seek direct support for their political campaigns solely from individual contributors and from the political party to which each one of them has pledged allegiance—open campaign contributions, openly disclosed with a full background as to what they meant.

And yet we see the result of a conference committee which barely wings the political action committee, which allows them to almost their present extent with candidates for the House of Representatives and only slightly limited for candidates for the Senate but which perhaps even more irrationally sets up an entirely different election system for the two Houses of Congress.

There is no justification for that distinction, Mr. President, unless one considers as a justification for the distinction the fact that those who wrote the bill in each House did so in the way most comfortable to their own political future.

And so where at least we had made some steps forward toward a restoration of the confidence of the public in the system with respect to political action committees, this proposal before us right now relapses to a distinction without a difference.

Perhaps more significant is the failure of this proposal to deal with what has often been denominated on the floor of this Senate as "sewer money." We can perhaps be a little less pejorative and use the usual term "soft money." However we term it, that is the money unaccounted for, unlimited in the amount of its sources which goes into influencing the political system indirectly rather than directly through campaigns subject to limitations and subject to reports.

What does this bill do, Mr. President?

It deals forthrightly with that form of soft money which is least harmful, that form which goes to the two major political parties and, incidentally, to any other political party, parties which are at least broad interest groups, including wide ranges of attitudes toward the political system.

In striking contrast, however, this proposal does nothing to control, to monitor, even to discover the source and use of soft money going to narrow special interest groups. Not only does that remain as easy as it is under the present system, it will almost certainly be increased by exactly the amount of money now going to political parties which those parties will no longer be able to take.

Whatever the disgust, Mr. President, of many of our citizens with the two major political parties at the present time, at least they know in general terms what those parties stand for, at least those parties include within their bounds men and women of sometimes differing views. But to call a bill cam-

paign reform when it not only does not discourage but positively encourages the increased use of indirect money to single interest, special interest groups is, in the view of this Senator, Mr. President, the height of hypocrisy.

We should be encouraging strong and responsible political parties, not discouraging them. It is a mark of the failure of this bill that the money siphoned or funneled through Senators by Charles Keating leading to that scandal would not be affected at all by the proposal which is before us.

Mr. President, those two failings, or either one of them alone, would be sufficient to cause the rejection of this bill.

Is it all bad? No. It does something with respect to making broadcast advertising more available to candidates with limited budgets. It slightly affects the ability of incumbents to campaign on taxpayer money through the use of mass mailings in election years, and I suspect that even my very good friend, the junior Senator from Kentucky, might be able to find other minor sections in this bill which he in his wisdom finds to be constructive steps forward.

But any bill which acts in such a partisan fashion, any bill drafted by only one political party, any bill unwilling to deal with the public perception of political action committees and the very great evil of special interest group soft money does not deserve the title of campaign reform, does not deserve the time which this Senate has devoted to it and will, I trust, swiftly and effectively be put out of its misery by the President of the United States.

I hope, and I hope fervently, that the senior Senator from Oklahoma will not abandon the cause of election reform after that successful veto. I do hope, however, that on the next such occasion there is a genuine attempt to create a bill fair between the parties, one which will restore confidence of individual citizens in our political system, one supported by the academics and outsiders who have so criticized this proposal and who have such wise counsel to offer to us in the future.

I express these hopes, Mr. President, because I am firmly convinced that only when such a course of action is followed can we actually accomplish what the people of the United States wish us to accomplish: true and effective election campaign reform.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, at first this debate on the so-called Campaign Finance Reform Act appears just like any other debate over the distribution of money and power, more specifically a debate about how much of both money and power the Congress is going to award itself.

My colleagues have pointed out what I think are the serious flaws of the proposal that is currently before the Senate. I will not repeat those arguments. I want to talk about something that I think is broader than the immediate question, and that is the issue of trust. Ultimately the trust of the American people in this institution and its Members is at stake. Our ability to address issues of the day with the confidence of the American people is at stake—that we are addressing those issues in the best interests of those we serve and not those of special interests or the interests of individual members intent on perpetuating their own political careers or ambitions. Ultimately restoring that trust is perhaps the more important issue that is before us today.

I think it is fair to say that level of trust has been lost, has been squandered. There are many reasons for it.

The question before us is how can we restore that level of trust. The restoration will not come with tinkering with campaign finance laws as this bill purports to do. It will not come in what some have viewed as a cynical search for partisan advantage in the name of reform.

We are all aware of the fact that each body, the House of Representatives and the Senate, has carved out for itself a set of rules not designed, in my opinion, to bring about real reform but to find a way that, in the name of reform, we continue to perpetuate the system that exists. I do not think it will restore public trust and confidence, and I do not think it is the way in which we ought to be addressing the issue that is before us.

I would like to talk briefly today about a reform that I think is far more sweeping. It is uniform, it is fair, far more dramatic, and designed to restore public trust. I hope to speak several additional times in the future on this particular issue as we discuss ways in which we can restore public trust in the institution of Congress.

This reform is a change that really is nothing more than a return to an older and, I think, superior ideal of service and accountability to the people we represent.

Before the Civil War, it was a common American conviction that the surest way to avoid the temptations of an imperial Congress was the principle of frequent rotation in office. Americans expected a Government of citizen legislators, not career politicians. And though the principle was voluntary, the public usually got what it wanted because, during the first half of the 19th century, between 40 and 50 percent of the Congress left office after every election.

The belief in a regular congressional turnover came to America from a much older tradition. Aristotle had written that democracy was only possible when there was an exchange of "ruling and being ruled in turn." The theory is very simple. Public servants will pass better laws if they expect to have to go home and live under them. One delegate to the American Constitutional Convention warned, "By remaining in the seat of government, legislators would acquire the habits of the place which might differ from those of their constituents," and that, as we have found, was a monumental understatement.

After the Civil War the average duration of congressional service doubled and then it doubled again. It has now reached the logical conclusion in our time, a Congress of entrenched professionals who are only unseated by death, scandal or, in a few isolated cases, their own disillusionment with the way the institution is run.

In the process a wall has been constructed, a wall between citizens and legislators, a wall of endless reelection, a wall that has left the body isolated from the very people it seeks to serve. One observer has commented, "Members of Congress become like the noncustodial parent in a divorced family. They have visitations, they come on holidays and weekends, they send money, but they don't live with us, and over time it becomes harder and harder to really know one another very well."

Mr. President, there are exceptions to this, and we all are aware of those exceptions. Some are serving in this body today. Obviously, a system of term limitations would require those exceptional public servants to retire, and their depth and breadth of knowledge would be missed. But I have come to conclude that the benefits from a healthy, regular rotation of citizen legislators into this body would far exceed the loss of distinguished public servants—men and women—who have not allowed that wall to be constructed, who have maintained that relationship with their constituents, who have shielded themselves from the isolation that occurs from serving in this body, from the influence of special interests, who truly can represent the best interests of the Nation and its people without bowing to the pressures of perpetuating a career in office.

But the answer, I think, is as basic as term limitations. If turnover is not voluntary, we must make it mandatory. I have introduced legislation for limited terms calling for six 2-year terms in the House, or 12 years there, and two 6-year terms in the U.S. Senate.

We all know that we already limit the terms of the President. It is a fair question to ask, if limited terms are good enough for the Presidency and Vice Presidency, should they not be good enough for the Congress?

Those public servants who serve in the House of Representatives after a 12-year period of time obviously would have the option of seeking office in the

U.S. Senate. It would be a winnowing out process, moving 435 down to 33 in any one particular year in terms of Senate reelection. Able public servants who have served in the House of Representatives would be able to move on to the Senate and, if the public so chose, move on to the Vice Presidency and Presidency. But it would be a limitation. It would encourage citizen legislators. Every 2 years about 16 percent of the Congress would retire.

The goal would be a slow, gradual, but effective revolution, a revolution in the attitude of Congress and in the confidence of Americans. Our Nation would find public servants who came from the real world and planned to return there. They would find public servants who expect to live much of their productive lives under the laws and regulations that they pass and under the taxes that they might raise. They would find public servants freed from the endless campaigning of career politics, and allowed to deal with the real issues facing the American public.

They would find public servants connected to their community and its needs by experience, not just by sympathy.

This is the kind of congressional reform that would do more than shift the distribution of money and power; it would restore trust. I submit that restoring trust in this institution is absolutely essential if we are to go forward and deal with the very real problems facing this country in the decade of the nineties and beyond. Without that restoration of trust, we cannot provide answers to our health care crisis, education reforms, economic reforms, issues that face the American public. Without the confidence and trust of the American people these efforts will be just so many empty words and so many empty proposals.

Author Henry James talked of "the demoralizing influence of lavish opportunity." When opportunity and power are unlimited, the potential for abuse is high. We have proven it in the Congress. This is an institution that is both demoralized and distrusted, but the restoration of its reputation could begin in one historic moment, when the Congress supports limits on its own service.

Mr. President, after a lot of reflection, I have concluded that restoration of trust in this institution by the people of the State of Indiana which I represent can only be secured if their elected Senator has pledged that he or she, whoever it might be, is willing to serve for a time and then return to live among the people that they represent, under the laws that they have passed.

As a consequence, I pledge to the people of the State of Indiana I will serve no more than two full terms if they choose to send me here to serve that amount of time. I think it gives me a different perspective on my time here in this body. I think it is something my colleagues should seriously reflect on.

I hope that we could engage in a meaningful debate about how we can restore trust in this great institution which has provided leadership for this country for more than two centuries. But I fear that confidence and trust has been seriously eroded.

Perhaps term limits is not the only way to restore that confidence and trust. I have searched for other methods. I have introduced other legislation. But ultimately I think it comes down to whether or not the public believes that we are here to serve their interests and not our own. I think we can best convey that message to the public by stating to them that, yes, we will serve for a time, but we will be back to live with you, to live with those who sent us, under the laws that we passed, and you can have confidence that while we are here, we will be serving in the best interest of the public.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin [Mr. KOHL].

Mr. KOHL. Thank you, Mr. President.

Mr. President, it is with mixed emotions that I rise to endorse the pending conference report on campaign finance reform. On the one hand, I am pleased that this legislation will finally be approved by the Congress. But at the same time I am discouraged by the fact that it will not become law. It is possible that, campaign finance reform is too important to be left to politicians. When it is, we get what we are about to have: a bill which will be vetoed.

We know the President will veto this bill. And he will veto it, in part, because it does the one thing I believe must be done: it sets limits on how much can be raised and spent on a political campaign.

Until that is done, candidates will have to spend too much time talking to contributors and not enough time listening to constituents. Politicians will have to spend too much time raising money and not enough time raising issues. Politicians will have to pay too much attention to the special interest groups, and not enough attention to the special needs of the people they are elected to represent. They will be part time legislators and full time fundraisers.

Jerry Brown and H. Ross Perot may not share the same political philosophy. But they do have a common political appeal to many voters: Ross Perot will fund his own campaign and Jerry Brown will return any contribution over $100. As a result, both men are able to convince voters that they will be free of special interest influence.

I know something about the power of that argument.

When I ran for the Senate in 1988, I did not take money from the special interests or the PAC's. Because I had the resources to do so, I used my own money to fund the campaign. As a result, I could tell the people of Wisconsin that I would be "nobody's Senator but yours." It was that argument, that ability to use my financial independence to establish my political credibility, that helped get me elected.

The legislation we are now considering won't give every candidate the freedom that I had. But it will reduce the amount of money anyone will need to raise. It will reduce the level of public cynicism. And it will reduce the level of political servitude created by the current system.

It does that because, first, it places an absolute limit on how much people can spend on a campaign. Currently Senate candidates need to spend almost $6 million on an average race; that means that the typical Senator has to raise almost $20,000 a week, 52 weeks a year, for 6 years just to be ready to run for reelection. While this bill does not eliminate the need to raise money, it does greatly reduce the amount of money a candidate can raise and spend.

Second, the legislation restricts the role that political action committees can play in bankrolling any campaign. PAC's have become a symbol of the power of special interests to influence legislation. A recent poll indicated that roughly 80 percent of the American people—4 out of every 5 citizens—believe that Government is run by big special interests; only 1 in 5 Americans believe that our Government is motivated by a desire to serve the best interests of the people. That, Mr. President, is a frightening fact of contemporary life. This bill will, I believe, give people more reason to trust Government by giving special interest PAC's less of a role to play in elections.

This legislation does not advantage either party. It does not confer an advantage on any campaign. It does not protect incumbents or punish challengers. In fact, a group of Republicans seeking to defeat Democratic incumbents recently wrote the President and urged him to sign this bill rather than veto it. Their argument made sense: they claimed that incumbents can always raise more money than challengers. An absolute ceiling on spending, they reasoned, would reduce that financial advantage and create an even playing field for challengers. I believe they are right.

In fact, about the only people disadvantaged by this bill are people like me. Under this legislation, I will not be able to contribute as much as I want to my own campaign. I will not be able to spend as much as I want on my next campaign. There will be a strict limit on how much I can contribute to my-

self and a strict limit on how much I can spend. But, Mr. President, I am willing to accept that personal disadvantage. I am willing to accept it because I think it is right. It makes sense. And it will help restore some faith in the political system.

This bill is not perfect. But it is a perfectly reasonable attempt to bring some sanity to a system run amuck. It is a valid remedy for the sickness that the money chase has brought to our politics. In sum, it is what the American people want.

Let me conclude with this comment. We all know we are going through an empty ritual here. We all know this bill will not become law. But I hope, Mr. President, I hope that we will not be content with a charade. I hope we will not be willing to just score some political points and then quit the game.

This issue is too important for that.

There is a crying need in this country for a real debate about the issues we face. The function of a campaign is more than to elect someone—campaigns also ought to help us form a new consensus on basic issues of public policy. By reducing the role of special interests, by reducing the role of money in deciding elections, I believe we can come closer to realizing that goal.

That can only happen if we get together, Republicans and Democrats alike and figure out what we can do together. It is time—it is past time—for us to get on with the business of implementing meaningful campaign reforms. I hope that our action on this bill will bring us closer to that goal.

RECESS

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate now stand in recess until 4 p.m.

There being no objection, the Senate, at 2:59 p.m., recessed until 3:57 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer [Mr. CONRAD].

RECESS UNTIL 4:30 P.M.

The PRESIDING OFFICER. The Senate will stand in recess until 4:30.

Thereupon, the Senate, at 3:57 and 15 seconds p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

SENATE ELECTION ETHICS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I rise today to declare my full support for the conference report on Congressional Campaign Spending Limit and Election Reform Act of 1992.

Campaign finance reform is long overdue.

Candidates—not to mention staff, national and State parties, and everyone involved in the political process—put too much time and energy into raising money.

As the cost of campaigns rises each year, more and more time and energy is consumed by raising the almighty dollars.

The pressure to amass a campaign war chest should not drive elections. Issues, such as the future course of our Nation, should drive the debate.

This maddening chase for campaign funds is discouraging and disheartening to incumbents and challengers alike.

It has forced and continues to force good people out of office. Many other good people choose not to enter politics simply because of the relentless fundraising chase. And we wonder why fewer and fewer people are entering public service.

Too often today only those candidates that have large financial resources are considered viable. Only the wealthy seem to get the opportunity to run for public office. No challenger is given a chance to win because his or her message will not be heard.

This bill will end the money chase. It will level the playing field between challengers and incumbents. It will allow people to choose to run for public office based on their beliefs. Not their bank accounts.

True reform will only occur when we have campaign spending limits. S. 3 does just that, imposing voluntary flexible spending limits that allow challengers to compete on equal footing with incumbents.

This bill includes other important reforms, such as free and reduced-cost broadcast rates, limits on PAC contributions, and an end to bundling and soft money. These, too, will play significant roles in opening up the political process to all who are interested in running for Congress.

I am certain the Senate will pass this reform bill. I am equally certain the President will veto it.

The President will veto it because he opposes spending limits. He will veto it because he opposes public financing for campaigns. Well, Mr. President, I can understand why you wouldn't want to tie the hands of the CEO's of America's major corporations who have twisted arms to give generously to your campaigns. Spending limits only hurt the fat cats.

But I can't understand why you will take more than $200 million in taxpayers money for your Presidential reelection campaign with one hand, and veto this bill with the other.

In recent years, campaign finance reform has occurred at all levels of government, except the Federal level. In my own State of Washington, the League of Women Voters is leading a petition drive to place a campaign reform initiative on the fall ballot that would limit campaign spending and the influence of special interests.

It would be a shame if the President, the leader of the Republican Party, vetoes this reform bill and kills any chance we at the Federal level have at campaign finance reform.

This bill deserves bipartisan support. I strongly urge the President not to veto this singular chance at true campaign finance reform.

Mr. KENNEDY. Mr. President, I give my strong support to S. 3, the campaign finance reform bill. Passage of this legislation is essential to achieve the far-reaching reform urgently needed in campaign financing.

The American people are fed up with the current system. Excessive reliance on unlimited spending and special interest contributions have made conflict of interest a way of life in Congress. The constant hunt for campaign dollars and the questionable relationships that inevitably follow in their wake demean the process of our elections and undermine the foundation of our democracy.

This reform bill is the culmination of years of hard work by many Members of both parties, and it deserves broad bipartisan support. Voluntary spending limits are the cornerstone of any serious attempt to achieve meaningful campaign finance reform. They will give the voting public new faith in elections, and bring new integrity to Congress.

A reform without strict spending limits will fail to end the abuses that have become deeply igrained in the present system. The spending limits in this bill are voluntary, as the Constitution requires. But the limits are made attractive to incumbents and challengers alike because of the bill's incentives to accept them, especially broadcast vouchers to help defray the high cost of television, other sensible forms of public financing, and low rates for mail and for broadcast advertising.

I support public financing of elections, and this bill should have gone further. Public financing was the right answer for Presidential elections in the Watergate reforms we enacted in the 1970's, and I believe that a similar answer would work well for Senate and House elections.

But the reforms in this bill are still a significant breakthrough. It would be hypocritical in the extreme for President Bush, who has benefited greatly

from public financing of his Presidential campaigns, to veto a bill which extends that sound principle to Senate and House elections.

In addition, if we are serious about ending the arms race in campaign financing, the enactment of spending limits and partial public financing is not enough. We must also limit PAC contributions, and this reform does so in two ways—by limiting the amount of any PAC contribution to $2,500 per election, and also by limiting the total amount of PAC contributions that Senate candidates can accept to 20 percent of the spending limit.

All of us know first hand that the current campaign finance system is badly flawed. We don't have to read about the abuses in the newspaper or hear about them on television. We live them every day. It costs too much money to run for office, and the funds we raise are often incurably tainted. It is long past time to reform the current corrupt system, end the fundraising treadmill, and eliminate special interest influence.

It is preposterous to call this measure an incumbents' protection bill. Challengers will clearly benefit from these reforms, and they are likely to benefit even more than incumbents. Under the current system, any incumbents worth their salt have three major advantages over challengers. They can raise more total funds than challengers. They can raise more large contributions than challengers, and they can spend more than challengers.

These reforms will change all that. They will create a more level playing field that is fairer to all participants in the electoral process, incumbents and challengers alike.

It is time for Congress to stop talking about reform and start acting to make it happen. This bill is not perfect. But compared to the status quo, it is like night and day.

Once campaign finance reform is achieved, we will at last break the stranglehold of the fat cats and special interest groups on our elections. Candidates will spend far less time raising campaign funds, and far more time developing effective responses to the serious challenges America faces. This legislation will make it far more likely that elections will be more about issues—and less about collecting campaign cash.

The corrosive influence of the current system is unacceptable. It has been said that we have the finest Congress money can buy—and it is a disgrace to our democracy.

It is time to stop soliciting campaign contributions from those whose interests are affected by our votes. It is time to end the corruption and the appearance of corruption that shadow everything we do and every vote we cast.

By enacting this legislation, we can take Senate and House elections off the auction block. We can take them away from the special interests and give them back to the people. Above all, we can make our democracy once again worthy of its name.

Mr. BOREN. Mr. President, I have mentioned several times the problem of soft money which enters into political campaigns as a way of evading individual contribution limits which are in present law. This is evaded on a massive scale. Tens and even hundreds-of-millions-of-dollars have poured into campaigns in violation of the intent, at least, of the individual contribution limit. I would like to just briefly explain and put into the RECORD a description of exactly how soft money operates.

In recent years, the Federal election laws have been circumvented through the raising of contributions and the expenditure of funds not subject to limits under Federal law. Party committees use the so-called soft money in support of mixed activities which affect both Federal and non-Federal elections, such as get-out-the-vote efforts, voter registration, and generic public advertising activities.

So, for example, if you have congressional races going on, Senate races, Presidential races going on at the same time that you have elections, let us say, for Governor in a State or the election of the State legislatures, you have a coordinated mixed activity, both Democratic, both Republican activity going on at the same time, the party committees have been contending it is solely to influence State elections and therefore is not to be counted as money to influence the outcome of a Federal election. That simply is not true. Once people have exhausted the limits they can give to Federal candidates under our contribution limits, they simply then give thousands of dollars to party committees, for example, in States and allow the money to be funneled that way to help Federal campaigns, phone banks, other kinds of activities that obviously are of benefit to candidates for the House and Senate but do not have to be counted then under the contribution limit laws.

Under current law, the Federal Election Commission requires party committee expenditures to support such activities be allocated between Federal and non-Federal accounts, depending upon the nature of the expenditures, and whether the party committee is a national, State, or local committee.

Under these allocation rules, substantial amounts of money are raised by Federal candidates and their agents to support activities that affect the Federal election. For example, in the 1988 Presidential election, agents of the two candidates raised tens-of-millions-of-dollars for party committees to spend on activities in support of the Presidential candidates. There were actually fundraisers held where people contributed $100,000 each. This soft money was raised directly from corporations and from labor unions, although they have been prohibited under Federal law since 1907 from making contributions or expenditures for Federal election purposes.

In addition, soft money contributions far in excess of the $1,000 per election limits for individuals were raised from individuals to support activities on behalf of Presidential candidates. The use of this soft money to support activities which affect Federal elections is clearly contrary to the intent of the Federal election laws and has resulted in the return of practices outlawed in 1974 where large individual contributions often in excess of $100,000 were being made to support the election of Presidential candidates.

Under the conference report on S. 3 now before us, political party committees would be prohibited from using soft money, not regulated under Federal law, for any activities in connection with a Federal election. Activities in connection with a Federal election, including get-out-the-vote activities, voter registration, generic and mixed election activities including public advertising, campaign materials, maintenance of voter files and other activities affecting a Federal election during a Federal election period.

Federal election period, under the conference report, is defined as beginning on April 1 in a Presidential election year and on June 1 in all other Federal election years. Activities considered not to be in connection with a Federal election campaign include spending exclusively on behalf of State and local candidates, the administrative expenses for overhead, caucus staff, party committee building funds, research pertaining to non-Federal candidates, direct contributions to non-Federal candidates and other activities solely to support non-Federal candidates. Expenditures for get-out-the-vote and voter registration activities during a Federal election period are considered to affect a Federal election regardless of whether Federal candidates are involved directly in the activity themselves.

The exempt activity provisions of current law permitting unlimited spending for volunteer activities that affect a Federal election and for get-out-the-vote drive or voter registration on behalf of Presidential candidates would be repealed and replaced with general authority for State party committees to spend approximately 10 cents per voter for activities in connection with a Federal election which do not involve the use of broadcast media. Here we are talking about volunteer activities.

Party committees spending on mixed Federal-State activities in connection with Federal elections would be subject to a 30-cent-per-voter limit. State

party contributions limits for individuals and PAC's would be increased to $10,000 for each election cycle. And Federal officeholders and candidates would be prohibited from soliciting soft money contributions.

So, Mr. President, the conference report on S. 3 closes the so-called soft money loophole once and for all. Soft money has often been called the sewer money of American politics because it is given in a way where there is less accountability than is the case with any other funds—corporations, labor unions pouring this money indirectly really for the purposes of influencing Federal campaign, perhaps even for the purpose of electing and defeating a Presidential candidate, all this being siphoned through State party committees, State party organizations under the guise of helping with State activities, not being fully documented, not coming under the rules and regulations, not coming under the individual contribution limits.

So this is a loophole, a huge and glaring loophole, under the current campaign finance law. It is a loophole that should be closed. It is a loophole that is closed under the historic campaign finance reform bill that is now pending before us in the form of the conference report to S. 3.

Likewise, another abuse under the current system is the abuse of bundling where interest groups get together and collect large amounts of contributions, bundle them together and hand them on to a candidate so that while an individual is prohibited from contributing more than $1,000, that individual may go out and collect $300,000 or $400,000, bundle it together and then give it to the candidate so that that individual is being made to feel they have given $300,000 or $400,000 instead of individual contributions.

That is exactly the subject. This abuse is the subject of an editorial in the Washington Post on April 26 entitled "Bundles From Heaven". It calls upon the President to sign this bill into law because it makes a very strong step in the direction of halting the bundling process.

Mr. President, I ask unanimous consent that a description of the abuse of bundling and the Washington Post editorial on that subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUNDLING

The bundling of contributions has become an often used method of avoiding the contribution limitations of the campaign finance laws. By collecting a large number of contribution checks from individuals and delivering them to a candidate, the person collecting the contributions, or "bundler", enhances his or her contribution to a candidate by effectively adding the bundled contributions to the amount he or she can contribute directly under the law.

The intent of the bundling provisions of the conference report is to stop avoidance of the contribution limits and prohibitions of current law whereby political committees, individuals, and others solicit individual campaign contributions and then bundle the contributions together or otherwise arrange for the candidate to receive the contributions in a way which allows them to be recognized as providing the contributions. In the case of a PAC, for example, this means that contributions are organized and provided by the PAC in excess of its contribution limits in a way, that makes clear that the PAC is responsible for the contributions being made.

The purpose of the contribution limits and prohibitions of current law is to prevent corruption and the appearance of corruption. The bundling provisions in the conference report are designed to prevent the existing contribution limits and prohibitions from being evaded and undermined. This is done by limiting the amount of funds that a person can bundle to the amount of the contribution limit that applies to that individual.

The conference agreement limits bundling by lobbyists; partnerships and sole proprietorships; organizations prohibited from making contributions under federal law and their officers, employees or agents acting on the organization's behalf; and individuals who are agents, employees, or officers of a political party or connected political committee.

In general, the bundling provisions are not intended to interfere with the ability of federal candidates to raise campaign funds from persons who do not present problems of corruption or the appearance of corruption. Therefore, the conference agreement does not cover individuals acting in their own capacity (other than registered lobbyists to whom special provisions apply) unless they are engaging in such efforts on behalf of another entity covered by federal contribution limits and prohibitions.

For example, the bundling provisions do not apply to individuals serving as volunteers helping raise campaign funds for candidates through fundraising receptions or by other methods. So that there is no confusion about the reach of these provisions, the conferees have adopted specific clarifications from the House bill providing that the bundling restrictions do not apply to the following: a volunteer hosting a fundraising event at the volunteer's home; representatives of the candidate occupying a significant position in the campaign, professional fundraisers working for the candidate, and individuals transmitting a contribution from the individual's spouse.

If an individual in raising contributions for a candidate for federal office is acting on behalf of another entity covered by federal campaign limits and prohibitions, such as assisting a PAC or political party in making contributions in excess of its limit, then the contributions would be treated as coming from the PAC or political party as well as the original donor in order to prevent evasion of the law.

Persons required to register as lobbyists or foreign agents would also be required to treat contributions they bundled for a federal candidate against their own contribution limit. The purpose of this provision is to ensure that lobbyists are not able to evade their contribution limits and use large sums of money beyond that which they are otherwise permitted to contribute to obtain influence with government officials.

[From the Washington Post, Apr. 26, 1992]

BUNDLES FROM HEAVEN

President Bush is in an awkward position on campaign finance reform. Twice in the last few days his own fund-raising efforts have demonstrated the need for a strong reform bill that he is about to veto. He makes himself the protector of a fetid system of which he is also a leading beneficiary.

At a Bush-Quayle fund-raiser in Michigan April 14, five corporations were listed as major donors. Campaign aides called the listing "an embarrassing * * * mistake," but what embarrassed them was not what the corporations had done, only how they had described it. It's illegal for corporations, as for unions, to contribute their own funds directly to presidential or other candidates for federal office. They get around the law by contributing other funds indirectly.

One way of accomplishing that is by "bundling"; owners and/or employees of a company will be asked to make ostensibly individual contributions to a candidate, all tidily within the limits prescribed by law. But these will then be put in a sheaf and given to the candidate in the company's name as well, in a way and an amount that, if it came from the company directly, the law would ban. That's what happened here; the "mistake" was simply acknowledging it. To keep a distance between corporations, unions and campaigns, the bill that the president says he will veto would ban bundling.

Meanwhile, a co-chairman of a "President's Dinner" scheduled for next week on behalf of Republican congressional candidates has been accused by a former employee of having coerced employees to make contributions to be handed up in a bundle, and other literature from the dinner invites both direct contributions from corporations and unions and contributions from individuals in excess of what the law allows to candidates directly. The literature says "every dollar" will go "toward building a stronger Republican presence" in Congress. The money that can't go to candidates directly will simply be put in a separate account and distributed indirectly, mostly through state parties. That's called "soft money" in the trade, and the bill to be vetoed would largely ban that, too.

The president's spokesman, Marlin Fitzwater, had to defend all this on Thursday—not a pleasant task. It wasn't really the president's dinner, he said, but a congressional affair, and the president was opposed to coercion though not to the access that the invitations promised big contributors particularly to administration and congressional figures. It's okay within certain limits to use the carrot to induce contributions, just not the stick. "I don't believe it's a corrupting influence," the spokesman said.

He did better when he broke through to slightly higher ground to say that just about everyone agrees that "money is necessary" in politics, "and it is useful and * * * you do have to have ways to get it into the system. But the trick is deciding how you can best protect it, how you can prevent conflict of interest, how do you prevent corruption of the process. And if you say a dinner is not appropriate, well, you know, what is? Do you make a rule that says the only way you can give is blind?"

That's a good description of the problem, and of precisely the balance that the bill tries to preserve. It seeks to preserve the presence but reduce the oppressive importance of private money in congressional campaigns by setting voluntary spending limits, providing some public finance to can-

didates who comply with them, using some other rules to change the current mix of funds and barring such evasions as bundling and soft money. Eventually most of the money will still be given; that is always the way. But it will be done even more indirectly, and in the process its capacity for mischief will be diluted and reduced. That's the modest goal that Mr. Bush (while himself nominally abiding by voluntary spending limits and taking millions in public funds) now proposes to thwart.

Mr. BOREN. Mr. President, as you know, the time will soon be under the control of the Senator from West Virginia, who is expected on the floor momentarily. I see the Senator from Arizona has arrived, and I want to yield the floor so that he may also contribute his ideas and his experience to the course of this debate on campaign finance reform. So I yield the floor so that my colleague from Arizona might be recognized.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the distinguished Senator from Oklahoma and also compliment him for his leadership in this effort. No one has worked longer and harder than DAVID BOREN. He came here, being a nationally recognized Governor from his State, with probably many ideals but one driving force, and that was that this political system is not good and must be changed. As some of us who came with these ideas, he realizes, that nothing moves around here fast, but everything is in such a slow motion sometimes it just absolutely drives you bonkers.

DAVID BOREN has stayed with it, and now the day is finally here when we will send to the President a comprehensive campaign reform bill. I know it is not everything the Senator from Oklahoma wants, nor everything the Senator from Arizona wants.

As one who has worked for and advocated this reform since 1977, it is almost hard to believe that Congress is about to complete action on this Bill. Unfortunately, our Republican colleagues will try to throw a wet blanket on this party. They will assure us that the President will veto this bill, that it is a dead duck. I refuse to accept that. I refuse to believe that President Bush will choose political gamesmanship over true reform.

Throughout my career in the Senate, I have cosponsored and sponsored numerous pieces of legislation to reform Senate elections: provisions to provide public financing and limit spending, to increase disclosure of PAC activity, to limit PAC contributions, to reverse Buckley versus Valeo, to end the practice of converting left-over campaign funds to personal use, to combat negative advertising, to enhance voter registration and the list goes on. Many of my colleagues and I have spoken repeatedly on the Senate floor on these same issues. We have voted again and again to pass solid, responsible reform legislation.

The conference committee bill is not perfect; no bill is ever perfect. But that must not prevent us from adopting it. No one can deny that this bill is immeasurably better than the current system. My biggest disappointment in this bill is that it does not contain sufficient public financing. When this bill was before the Senate last May, I cosponsored Senator KERRY's amendment to provide public financing. Unfortunately that amendment was defeated. My own bill, S. 53, also contains a large public financing component. Nonetheless, I am a realist. While this bill falls short of my expectations for complete reform, it is better, much better, than our current situation.

The current situation is this. When I first ran for the Senate in 1976, I spent $615,000 in a very competitive race. In 1982, I spent $2.1 million, and in 1988, I spent $2.7 million. This is ridiculous. What is more ridiculous is that in 1988 the average Senate race cost $4 million. To raise that kind of money, a Senator must spend an inordinate amount of his or her time raising money or planning how to raise money. The sad truth is we spend too little time legislating and too much time with our fundraisers. Limits on spending are the only answer.

Consider for a moment the following numbers on the cost of winning an average House or Senate seat in 1976 versus 1990.

In the House of Representatives, in 1976, $87,200; and in 1990, $410,000.

In the Senate, in 1976, $607,100; and in 1990, $3.3 million.

Some of my friends on the other side of the aisle will claim that spending limits create some kind of advantage for incumbents.

Mr. President, incumbents now have all the advantages: Name recognition, constituent service, and fundraising advantages. The facts are that incumbents raise more and spend more than their challengers. Spending limits will harm those who are most able to raise and spend money—the incumbents.

Incumbents' share of total Senate campaign spending keeps going up: In 1980 it was 44 percent; and in 1990 it was 60 percent.

In 1990 incumbents spent on average $3.5 million; and challengers spent on average $1.7 million.

In Arizona, and in more than half the States, total spending limits in this bill would be near or below $2 million. A challenger may still not be able to raise that much money. The average 1990 challenger raised $1.7 million, but the average incumbent who in 1990 raised $3.5 million would be severely restricted by the $2 million cap.

There is a popular, though inaccurate, analogy making the rounds of my colleagues who oppose spending limits. They equate a campaign with spending limits to a 100 yard dash in which the incumbent starts at the 50 yard line and the challenger can't hope to catch up. But, fundraising is not a sprint; it is a long distance race in which the incumbent is in far better shape than the challenger. With spending limits, we force the incumbent to stop and wait for the challenger to catch up, and they both finish together.

But do not take my word for it, do not take the word of my Democratic colleagues, listen to what some Republican challengers are saying. According to a story in the Washington Post of April 25, 33 Republicans from 21 States wrote President Bush a letter outlining their support for the bill we are considering. I quote:

> As congressional challengers and loyal Republicans, we urge you sign the comprehensive campaign finance reform legislation making its way to your desk this year. Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our electoral process.

These are not individuals intent on protecting the power of incumbents. These are not individuals whose "sole focus [is] to protect their majority in Congress" as the RNC would have us believe of all supporters of this bill. The President seems to be listening to the incumbent Republicans in the Congress. As one incumbent, let me state:

Mr. President, I am willing to give up the biases toward incumbents if we will just reform this system. Sign this bill.

Political action committee spending is another area where incumbents have a tremendous advantage, an advantage that this bill would blunt.

Total PAC contributions grew 343 percent from 1978 to 1988: 1974, $12.5 million; and 1990, $150 million. A 400-percent increase after inflation.

In 1990, as in all years, Senate incumbents received a disproportionate share of that PAC spending: Senate incumbents; $29.6 million from PAC's; and Senate challengers; $7.9 million.

This bill addresses the PAC issue in two important ways. First, it reduces contributions by PAC's to Senate candidates from the current $5,000 to $2,500 per election.

Second, and more importantly, it places an aggregate limit on PAC contributions of 20 percent of the cycle limit. The role of PAC's is effectively limited without taking the draconian step of eliminating them.

PAC's are not inherently evil as some of the political pundits would have you believe.

PAC's do empower small contributors who otherwise might never become involved in the political process. PAC's are not usually the big fat cats—those are the bundlers. No, PAC's are comprised of the average worker:

Schoolteachers where members contribute $1.15 to the NEA PAC.

Auto workers who contribute an average of $5 a year to the UAW PAC.

PAC's are not just the AMA or the bankers, or big labor. PAC's are also comprised of people banded together who are concerned about the environment, health issues, children's issues, or veterans issues.

Finally, eliminating PAC's is almost certainly unconstitutional. Those who would grandstand this issue and call for the elimination of PAC's are ignoring reality.

We will hear many arguments during this debate about public financing.

How the American people won't tolerate public funds being used to finance campaigns, how using public money is wrong and how it will be abused.

First, let me state that my biggest complaint with this bill is that there is not enough public financing, that there should be substantially more, and I think much of the American public will agree with me.

A poll conducted by Greenberg-Lake in February of last year demonstrated that a substantial portion of the electorate is willing to trade public financing for cleaner elections. Fifty-eight percent of those surveyed supported the notion of the Federal Government providing candidates a fixed amount of public money in exchange for an end to private contributions.

A June 1990 poll by the Harris organization indicated that 82 percent of those polled supported the Borden bill when it was described to them.

President Bush has been arguing that public financing of congressional elections is wrong. Is this the same President Bush who, by the end of this year, will have received over $200 million in public funds during his Presidential and Vice Presidential campaigns? Mr. President, what is good for the goose is good for the gander. He is right to take those public funds because they have succeeded in cleaning up the Presidential campaigns system.

But the same rationale should apply to public financing—and this bill's public financing is very limited—of congressional elections.

Public financing is an investment in good Government. The decline in our democratic processes is a great threat to our Nation. Homelessness, child nutrition, education—all of these vital programs are worthy of Federal support. But we cannot compare apples and oranges. We cannot say that the threat to our democracy of the cynicism, disgust, and distrust of the American people is less of a problem than the many other crises facing this country. We cannot ignore the level of dissatisfaction that exists today.

We must change the public perception. Partial public financing is not a selfish program on the part of politicians. It is a program to guarantee to the people that their government is one of integrity and honor. How can we say that partially financing elections with the people's money in an effort to combat private big money is not a worthy use of the people's funds?

Those who oppose public financing will argue that it will enable fringe candidates such as Lyndon LaRouche and David Duke to push their own private agendas at the public expense. Critics argue that candidates who would not choose to run under current circumstances would be encouraged to go for the spotlight at the public's expense, even though they have little chance of winning.

These arguments are nothing but strawmen. Candidates must prove that they are serious and viable by raising a threshold of 10 percent of their general election limit. The threshold must be made up of small contributions of $250 or less.

Competition is a critical aspect of democracy. If candidates can meet the threshold requirements, then I believe they have demonstrated that they represent ideas with which a significant number of Americans agree, whether or not we agree with them personally. Democracy means encouraging ideas, not squelching them.

If an opponent is running on a platform that is abhorrent to us, then let's get out there and make the issues the focus of the election. This is what makes the electorate confident that their representative is pursuing the people's agenda and not because of money.

To say we do not want to give challengers an equal playing field because they might espouse ideas we don't agree with is fundamentally contrary to the tenets of this great democracy. Shying away from this important element of reform—which will benefit all candidates and level the playing field for challengers—just because we are afraid of encouraging candidates we don't like, is a poor excuse for denying the American people the true reform they deserve.

It is the people we represent. There is nothing evil about financing the people's elections with the people's money, so that the people control the interests of those they elect.

Let us make 1992 the last congressional election without meaningful reform. I am hopeful that the Senate will swiftly pass this conference report and send it to the President. And then I hope that the President will put aside political gamesmanship, will put aside notions of how best to exploit campaign reform for crass political purposes, will put aside ideas of cheapshot 30 second TV spots, and will instead side with the people and sign this reform bill to clean up the system.

Mr. President, I want to thank the President pro tempore for letting me invade on his time. Again, my compliments to the Senator from Oklahoma for his leadership in this effort.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. BYRD. Mr. President, how much time do I have under the order?

The PRESIDING OFFICER. The Senator has 90 minutes under the order.

Mr. BYRD. I thank the Chair.

Mr. President, we are enduring a time of bitter politics and bitter despair. At the very crossroads of worldwide historic change, at the moment of the seeming triumph of the ideas of freedom and American democracy around the world, the American people have been treated to a spectacle of name-calling, finger-pointing, scandal, political conspiracies, pandering, and issue-ducking that has rarely been seen in the history of our Republic. No wonder that so many voters register their disquiet with all of the candidates running for the Presidency and their anger and disenchantment with so many incumbents seeking re-election to the Senate and the House of Representatives.

If that were not cause enough to be repulsed by the political process, currently Congress, the media, and the White House seem locked in government gridlock and mired in an orgy of petty muckraking, spurred on, as it were, by the heat of an election year, each oblivious to the damage to, and the degradation of, our own democratic institutions that such conduct is wreaking.

The earthquake and aftershocks of accusation and political bloodletting that dominated much of last year promise to continue this year and to become ever more violent and intemperate, as November approaches.

With the world at this critical juncture in its history, Congress and the White House ought to be concentrating on those most important questions that national politicians can consider—namely, what is America's future for our coming generations, and what is America's place in the world? Every other country in the world is thinking especially about this latter question. What is America's place in the world? And they are all wondering, how is the United States, the world's only superpower, going to act, now that Soviet Communism has fallen? Only one country seems not to be concerned about America's role as the premier force in the world, and that country is the United States itself.

Here, the White House is more concerned with bashing Congress and finding "perks" on Capitol Hill than finding America's course in the world. Congress, in its own defense, has focused its attention on "perks" in the White House, and the press is eating it all up, loving it, turning every discovery of a new "perk" into another front-page story.

As a result, Congress and the White House have become so defensive about their respective institutions that they

are in gridlock. Meanwhile, the rest of the world waits, watches, and wonders.

During this time of unequaled and unforeseen opportunities, both the White House and Congress might instead have fine-tuned our directional compass in the aftermath of the collapse of our international nemeses—the Soviet Union and Soviet communism—and reevaluated our own priorities to deal with a changed world and its radically different challenges. But, no, we—and by "we," I mean all of us who serve, those who send us here, the White House, and the press—choose to focus instead on the delicious spectacle of the so-called "perks" of the Members of the House of Representatives. Almost as we have been collectively overwhelmed by the challenges, by the real world's demands, we choose instead to sink our fangs into something juicier than issues, something with tabloid sexiness, if you will, something that supermarket-shopper America can understand and relate to: A whiff of petty corruption in government!

In this regard, I am reminded of the words in Matthew 23 of the New Testament: "Woe unto you, scribes and Pharisees, hypocrites! * * * Ye blind guides, which strain at a gnat and swallow a camel."

Mr. President, the increasing "gnat straining and camel swallowing" that we are witnessing today with regard to the Senate and House—in the press, on television and radio talk shows, and even on the 1992 campaign trail—is the symptom of a nation that has lost its way, and whose leaders are embroiled in petty bickering, fault finding, and finger pointing.

On every hand, the national pastime currently appears to have become Congress-bashing. It is the make shift platform on which the current occupant of the White House is waging his campaign for reelection. That is his platform. That is it. The whole kit and caboodle. Congress bashing. With every new edition of the newspapers and the seven o'clock news, the American people are being treated to the "sins of Congress," "Congressional outrages," and "Congressional perks."

Parking spaces, souvenir ashtrays in the stationery store—at cost! Haircuts in the Senate barber shop!

Incidentally, I was watching King Henry V the other night, and I was amazed at King Henry's haircut. I realize that King Henry was young when he took over the throne in 1413—he reined until 1422—but I thought he at least had longer hair. This King Henry looked as though he had a brandnew American-made, up-to-date, modern haircut, straight from the Senate barber shop. I thought that was a little out of keeping. But, after all, I did not have anything to do with developing the picture or with King Henry's haircut.

Take some of the other perks: A doctor on duty, in case somebody on the police force, a tourist, or somebody on the committee staffs, or somebody over at the Supreme Court building, such as a Supreme Court Justice, has a heart attack or seizure; telephones, typewriters, and computers in the members' offices—these are so-called "perks".

On and on this discordant chorus goes, Mr. President, as if the Republic itself were tottering in the balance on the basis of a cost-priced ashtray!

Mr. President, this is straining at gnats. Meanwhile, what about the camel? Meanwhile, campaign financing abuse is eating the heart out of the political process itself, with members being forced to run from one end of the country to another searching for every possible penny to pay for the next political campaign; with Senators and House members being distracted from the real work on the floor, the real work in committees, the real work in meeting with their constituents and federal agencies here in town, being distracted from the real work of the Congress—to do what? To raise money from special interests and moneyed people just to win in the next election. Meantime, with the leukemia of campaign money spreading through the veins and the arteries of our national political system, a national debt threatens to impoverish the next generation and the generation after that, and a burgeoning federal budget deficit is caught in a gridlock, while inflation-boosting entitlements go up and up, year after year, millions of Americans are without medical insurance, and the streets of great American cities are being turned into "no-man's lands" by youth gangs, thugs, young toughs, drug dealers, and pistol-packing teenagers. With all of these disasters verging in upon us, across this country, the electorate is being bombarded with the message that parking spaces for Members and their staffs, and flowers from the Botanical Gardens in Members' offices are corrupting the land and destroying the Union.

Mr. President, throughout my career in the Chamber, I have worked continually for reform—the President says we need reform—I have worked continually for reform, reform to move legislation more effectively, reform to streamline the committee system, reform to open the Senate to public scrutiny through admission of radio and television into the Senate, and reform to bring about greater public accountability in personal finances.

But on every hand, we hear this constant drumbeat—ridiculing the Congress for "perks," and from across the country, we hear the mounting cries of disillusionment and anger rising from the hearts and throats of patriotic men and women who have allowed themselves to be convinced that "perks" are about to bring the country to ruin.

"Perks" are a problem, indeed, but that problem is a molehill compared to the mountain that is being utterly and ignominiously ignored by the scandalmongers and the gnat-strainers.

Mr. President, tabloid journalism begets tabloid politics. The spectacle that we are witnessing currently is the fruit of the spirit of "tabloidism"—that insidious lust for scandal, rumor, innuendo, and disgrace to which irresponsible people are pandering for their own purposes, regardless of the damage being done to the country or the failure to come to grips with real issues and real crises.

There is much that is wrong in this troubled Nation. We have sky-high deficits, crumbling transportation systems, inadequate health care, little to no energy policy, hazardous-waste pollution, a failing education system, and horrendous crime and drug problems.

But none of these concerns is more serious than the malady, the creeping epidemic, the gangrene that cannot be legislated away and for which there is no easy vaccine.

That malady of which I speak, that creeping epidemic of which I speak has been carefully nurtured, fostered, and spread for close now to two decades. It has been carefully drilled into the American people—rooted and pruned and fertilized by three consecutive occupants of the White House.

That disease is cynicism—a cynicism that has been deliberately marketed to the American people since 1976 by clever media men trading on frustration, envy, and dissatisfaction, and the natural American mistrust of Government and "politicians."

Beginning with Jimmy Carter, three American Presidents were persuaded of the political advantage of convincing the American people that all of their problems began and ended with Government—more specifically, with the Government here in Washington.

Ronald Reagan perfected this tactic to an art form. Ronald Reagan persuaded the American people that all Government—all Government—is bad, that all problems could be solved by a tax cut, and that the Government, and especially the Congress, is an encumbrance without a constructive role, without legitimacy and without purpose other than to obstruct and thwart the will of the Chief Executive who sits in the Oval Office of the White House.

To his discredit, George Bush has parroted this destructive, divisive garbage.

But, alas, the American people have bought it all—lock, stock, and barrel.

Greed was the watchword of the eighties. Make a fast buck! The message that went forth was, just eliminate the encumbrances of Government and the American people would then outproduce, outperform, and outdistance any country in the world. This message was the ultimate in political-sloganeering genius. The message said, "Just get Government off the backs of

the American people and all of the Nation's problems will melt away."

There was an easily identifiable, already disliked villain: Government; against an appealing hero: the American people; the messenger being a former television huckster and former Hollywood leading man with media skills unrivaled in American political history: Ronald Reagan.

For a while, the heady rhetoric seemed to ring true. America did prosper in the 1980's. But there was a crushing, hidden cost. The massive deficits piled up during the 1980's were obscured by borrowing from foreigners and from future generations, my children, your children and their children. The American worker was given kudos from the bully pulpit, but nothing else. While we mortgaged our future to pay for massive defense buildups, we robbed this Nation of investments in education and infrastructure and declined to engage in any sort of intelligent planning about the future economic viability of our country in an increasingly competitive world.

As a nation, we have literally brainwashed ourselves—all of us, the American people, and the media. We have come to believe that all issues must be compressed into 30-second spots, that there is no problem that cannot be solved by the appointment of a commission, that the American people are too ready to kill the messenger to be told the truth, that an honest look at ourselves as a nation and at our failings is unpatriotic, that political experience is a liability, that all domestic Government spending is wasteful pork barreling, and that public service is dishonorable.

We have learned these easy lessons well. These hackneyed cliches and familiar slogans convey notions that are convenient to believe and convenient to cite as the reasons for all of the Nation's ills, and they will get applause from the gallery, they will get amens from the corner, and absolution, if you will, for all of our sins.

More recently we have witnessed day after day, via detailed press accounts, the public feeding of the red meat of the House bank scandal.

This unfortunate turn of events was like the frosting on the cake for everything that we have so carefully taught the public during the 1980's. Everything was ready and waiting, and the stage was set. The curtain goes up and, here, in the simplest, starkest terms, existed documented proof that the Congress is inept, irresponsible, and mostly downright dishonorable. Here was proof of it. The whole Congress!

Add to that the cheap haircuts, free parking, the gymnasium and its corrupting influence, and there you have it in a nutshell—the reasons for the decline of the United States of America, our standard of living, and our failing world economic power. It is just that simple.

I say these things not to make light of situations that are unfortunate here in the Congress. I am certainly not condoning behavior that constitutes a breach of public trust or unethical conduct. I say these things to point out this Nation's seeming propensity to avoid the hard questions, duck the real issues, and focus instead on tabloid fodder. Of course, it is easier to do that, so much easier to focus on that tabloid fodder. Moreover, it is entertaining. Nor is it so complicated as defining a new role for our country in the world or reducing budget deficits. It is not so complicated as rebuilding our industrial and manufacturing base, or salvaging an economic future for our children.

Too often, we in public office run campaigns on our opponent's warts and pimples, instead of on real issues. We follow our media managers' scripts—like dumb, driven cattle. Trying to educate is too tedious. Do not go out there and try to educate our constituents on the real issues. That is too tedious. Do not go out and take a difficult position. That is too hard. It is too tough to be honest, too unpopular to go against the grain. Take the line of least resistance.

We try to be all things, then, to all people.

During much of the decade of the 1980's, we never seriously challenged "Dr. Feel-Good Reagan" in his Good Morning America messages, because we were afraid of telling the people the bad news when he claimed to have only good news to proclaim. And that is what the people wanted to hear—the good news. So they got the "good news" message.

Ronald Reagan's devils were always so easy to identify—the Soviet Union, taxes, Qadhafi, big government. Without minimizing those devils, there were other demons that were real dangers, real demons that were much more subtle: illiteracy, poverty, crumbling infrastructure, failing workers' skills, people without health care, low productivity growth. These were the real demons.

The feel-good promises of the 1980's came true for only a handful of the American people—those who profited from insider trading on Wall Street, those who made temporary fortunes in the savings and loan scandals—and we are all waiting to see when they are going to go to jail, if ever—and those whose rapacious greed gutted American companies of their best assets, and threw thousands of men and women out of jobs without medical insurance and without pensions for which many had labored for decades.

Now, the American people—the American voters—are asking why? Instead of having the intestinal fortitude to tell America the truth—that this country has been on the wrong track for 12 years and that now we have to do some hard and painful things—we pander, we vacillate, we hem and haw. Instead of telling the American people to get involved, learn more about issues and candidates, stop their love affair with divided Government, and face up to our Nation's real problems, we evade those problems.

We worry about getting through the next election. Then, we rationalize, we can lead the Nation in the right direction. But the problem is that we do not lead even after the next election has come and gone.

We have become what our media managers have packaged us to be. We will not handle hot coals. We will not even stand up for our own institution here.

There are those who, in the institution itself, seem to be making a career out of running down the institution; running down the Congress. Remember that Franklin D. Roosevelt said, "If we were to eliminate the Congress, we would automatically cease to be a Republic."

I remember one of John Heywood's proverbs.

"It is a foule bird that fouleth his owne nest."

"It is a foule bird that fouleth his owne nest."

And yet, there are those, here in this Chamber, who take delight in fouling their own nest, running down their own institution. Somebody needs to stand up for the institution!

Yes, it has warts, it has pimples, it has some carbuncles. Let us do something about them. I have tried for years to put in place an ethics code; to bring television to this Chamber so that the American people could see their representatives in action. We can always deal with those things. But let us not destroy the institution. Let us not help to rip it down, that we might get a hurrah, or a bit of applause from a newspaper editor, a newspaper columnist, or from the great gallery of the American people.

What we need to do is say to the American people, "Your perceptions are wrong. You have been led down the garden path and you do not realize it. Wake up before it is too late."

We are afraid to say that perks are not the real problem in the Congress. Why not state flatly that the real problem is an inability or an unwillingness to lead. That is the real problem. And it applies to both ends of Pennsylvania Avenue: The White House and Capitol Hill.

Capitol Hill, by virtue of its institutional structure itself is not built to lead. There is only one leader, one Hannibal, one person who can speak with one voice. Only one.

One President, one leader with one bully, bully, super-bully pulpit. Indeed, everybody in this city is afraid to lead. We are afraid to stumble and get blamed for all of the failures piling up

around us. The President is afraid that the truth about the national debt and the budget deficits might be blamed on him. And, like George Bush, we will not tell the American people that taxes will ultimately have to be raised, entitlements will have to be cut, and massive amounts of money will have to be spent here at home if we are to become economically strong again, cut the deficit, and increase the Nation's productivity so that our country can compete in world markets and reverse the trade deficits.

Most of us admit these things privately, but we shrink from discussing them publicly. What is wrong in America is the fault of all of us—the White House and the Congress. It is also the fault of the press for preferring to cover petty—or more than petty—scandals rather than probe the real issues and help to educate the American people as to the colossal problems that confront them so that they will understand and support the solutions that will be painful.

It is also the fault of the people for dwelling on trivia as a barometer of how well Government functions rather than demanding that Government work to solve our deep and troubling national problems. It is the fault of the White House for preferring political advantage over sound policies. And it is the fault of the Congress for being mired in distractions, terrified of an honest discussion of where we need to take this Nation, and mesmerized by the next election and the ups and downs of the latest polls.

Most Members of Congress are honest public servants, many of whom who work horrendous hours—and the same can be said of staff—and many of whom enjoy little, if any, private life. Most Members of Congress have the same morals and outlook of the hard-working, decent, law-abiding people who send them here. Most Members of Congress—the Senate and the House of Representatives alike—come to Washington, like Mr. Smith of the famous movie, with visions and ideals, and with a commitment to public service that is admirable and that would be a source of pride to their constituents if they could see their Senator or Representative in the House at work everyday. In the beginning, anyway, that is the way it is.

But before long, it becomes clear that those aspirations and noble goals brought here by those good people who were so determined to serve, those aspirations and goals have to share the stage and the schedule with the other most demanding requirement for service in the institution; namely, fundraising, holding out the hand with a tin cup, saying give me, give me, give me.

Fundraising eats up a Member's time, fractures his attention, and insidiously and subtly compromises his principles. To raise the vast sums of money now required to remain in public service, a Member caters to special interest groups because the special interest groups control the bulk of the piles of money needed to pay for costly television plugs, negative campaign ads, sound bites, and sarcastic voice-over announcers who are best at attacking opponents.

Public debate of the issues has been reduced to mush, designed to avoid stepping on any toes. Negative campaigns become the rule because they trade on dissatisfaction rather than solutions, and they provide a way of avoiding a discussion of tough problems that requires unpopular solutions.

Legislation is drafted with an eye to whom we need to please and to whom we have to avoid offending. As a result, the average American is shut out of the process, and that only deepens the cynicism and gives the special interest groups even more power as a source of campaign revenue.

Here, in fact, lies one of the major problems if one is looking for what is wrong with the Congress. The problem is not chauffer-driven cars or cheap haircuts. The problem is not even too many committee assignments or a too complex budget process—although certainly those problems should be addressed. The problem is not too many staff people or the lack of a line-item veto. The problem is too much money in political campaigns.

Plutarch tells us that Philip of Macedon's maxim was to procure empire with money and not money by empire. There was a common saying, says Plutarch, that it was not Philip but Philip's gold that conquered the cities of Greece. Philip's gold. That is what we are talking about here—Philip's gold! It conquers the legislative agendas, as Philip's gold conquered the cities of Greece. "Philip's gold" is rubbing the political palms of those of us who want to continue in public service. We have to raise that money. Campaigns are costly.

The first time I ran for office with Jennings Randolph—both on the same ticket, running for two seats in the Senate, in the same election—we had a combined war chest of about $50,000—$50,000! That was before we had all of these costly media consultants and costly television advertising. Those were the old days when we did our stump speaking in campaigns.

We went to the county courthouses. I took my fiddle, played a few tunes at the courthouse. We visited all the fraternal organizations, the Odd Fellows, the Knights of Pythias, the Moose, the Elks, the Owls and went to churches and singing conventions and county fairs and family reunions, and spoke on the street corners and the county courthouse lawns.

We do not do it that way anymore. We have to have "Philip's gold" nowadays. Too much money in political campaigns. That is the problem. The problem is, that to stay in office, Members trim their sails and vote and speak in a manner that will keep their campaign funds—"Philip's gold"—pouring in.

What may be good for the country becomes secondary. Courageous action is harder to come by. Independent thought is all but stifled. What we see is the Alcibiades syndrome at work. Alcibiades was an Athenian general and politician. He was young and handsome, a pupil of Socrates, a man of tremendous ability, but with an equally tremendous ego and ambition. He put his own interests ahead of his country's interests. He was unwilling to place the national interest above personal advantage, tended to put his own private political ambitions before the public interest.

So that is what we see today in America, a political climate in which no one is willing to take the rap for a difficult decision, in which personal and private political considerations take precedence over the public good—in short, a full-blown case of the Alcibiades syndrome: personal and party political interests first; the public be damned. How will my vote affect my reelection chances with this special interest group or that special interest group, this pressure group or that pressure group, this one-issue group or that one-issue group that will put money in the hat when it is passed around?

But there is good news today. We have on the floor here today a vehicle that can begin to address our problems if we will but take the opportunity to use it. This legislation will help to stop the endless pursuit of money by congressional candidates.

I, like most other Senators, have accepted money for political campaigns from special interest groups. Nothing unlawful about it. It is legal. I reported it, as I was required to. And as long as we are saddled with the present system, we will keep on going through this sordid and demeaning exercise unless we are filthy rich and can afford to finance our own campaigns. But within the institution I have tried to put an end to the current system. As majority leader, I tried it, time and time again. We have to keep on trying.

I said a moment ago that in my first campaign, my then colleague, Senator Randolph, and I ran on $50,000 or less—for two Senate seats. That would be a bargain basement price today, $50,000. Today, it would be a joke.

Will Rogers once said, "Politics has got so expensive that it takes a lot of money even to get beat with." And it does take a lot of money—$4 million on the average for a winning Senate seat and sometimes more than that even "to get beat with."

The legislation before the Senate will establish voluntary spending limits, provide vouchers for broadcast time,

and allow challengers a better chance to compete against an incumbent.

I am rather amused at all of the No. 3 tubs full of crocodile tears that I see shed on this floor for "challengers." Yet, to tell the truth, there is not a Senator here who wants a challenger. Not one. I do not want a challenger. No other Senator wants a challenger. But it is a heart-warming spectacle to behold all the tears that are shed on this floor for challengers. Still, indeed, there is a need for a level playing field for both the challenger and the incumbent. I, too, was a challenger once, and many others who are here were challengers to incumbent Senators. If they had not been a challenger, they would not have gotten here.

This legislation will lessen the influence of PAC's and encourage cleaner, less negative campaigns.

This legislation is a good first step toward returning participation in government to the average citizen. Passing this legislation is, I believe, the most important action we can take to restore leadership and decency and integrity to the democratic process. The President makes speeches in the White House East Room about the need for reform. This is his chance for reform. If he truly believes in reform, this legislation is the reform that we must undertake if we are ever going to wrest government away from special interest groups and return it to the people where it belongs.

The spending limits in this legislation are voluntary. If a candidate feels he wishes to ignore those limits, he may do so, but a Federal matching-fund system is set up to help level the playing field if the limits are exceeded.

President Bush, who decries to the high heavens the public financing of congressional campaigns, benefits from public financing for his own Presidential campaign, and will have accepted more than $200 million in Federal matching funds by the end of this campaign. Yet, he claims he will veto this bill if it passes, in part because of these matching-funds provisions. But in truth, the use of public moneys to level the playing field for challengers and incumbents and to lessen the influence of the special interests on American political decisions would be one of the best uses of public tax moneys that could be devised.

If the American people only knew the Atlas hold that special interest groups have on the peoples' representatives in this institution, on both ends of Capitol Hill, they would be shocked beyond description.

Daniel Webster—whose speeches schoolboys memorized for years—while he was chairman of the Finance Committee, was on a retainer for the Second Bank of the United States and wrote a letter to Nicholas Biddle, president of the bank, in which Webster reminded Biddle that his retainer had not been renewed or refreshed as usual.

Imagine that! Daniel Webster, a Member of the United States Senate, chairing the Finance Committee and leading the struggle against Jackson's bank plan, being at that time on the payroll of the bank. Webster wrote a letter to Biddle reminding him of that retainer and saying, "If it is wished that my relation to the bank should be continued, it may be well to send me the usual retainer."

This surely was one of the most egregious breaches of ethics in the history of the Senate, and it was one which will forever stain the shining name and reputation of Daniel Webster.

Yet, in a sense, we Senators and House Members are all somewhat like Daniel Webster. In a sense, we are retainers for the special-interest groups that grease our political palms with "Philip's gold." Of course, Webster's retainer fees went into his own pocket. The moneys that we get go into our campaign committee's coffers.

But, nevertheless, the influence of "Philip's gold" on Members is not to be doubted. Let a bill come before this Senate that affects one of these special interest groups, and there will be Nicholas Biddles all around the Capitol. They will be standing at the elevators when Senators get on; they will be standing at the elevators when Senators get off; they will be standing in the reception room; they will be standing in the subway where Senators get on and off the subway car, reminding Senators how that particular interest group stands on that particular legislation. They will be there; Nicholas Biddles all over the Capitol. There is only a difference in degree, perhaps a small distinction.

We all join the swelling chorus that says the American people need to take back their Government. The pending legislation will provide the most direct way to do that, and simultaneously to improve the quality of that Government with one fell stroke.

The money chase and the erosion of conviction and honest debate which it fosters are the fundamental problems here on Capitol Hill. And, indeed, in this great city of Washington, the abuses that this conference report would curb in congressional and Presidential elections are cancerous—not low grade cancers, but fast growing cancers that are feeding the cynicism that is rampant in America and contributing to the gridlock, do-nothing Government that we all deplore.

If we cannot take this fundamental step in the interest of our own system of government, it will be the unmistakable evidence of total irresponsibility in this body and in the White House. We all know the problems, and in our hearts we know that letting the current abusive, corruptive campaign finance system fester any longer will rot the foundations of this representative democracy.

Mr. President, it will do something more than that. It will sear and eat away at the hearts and consciences of those of us who participate in the current campaign financing system—the consciences of those of us who accept "Philip's gold."

In Greek mythology, we read of a fountain in Caria, in ancient geography, a part of Asia Minor, the Salmacis fountain. It got its name from a nymph of the same name who attended the fountain. One day a handsome youth named Hermaphroditus stopped by to drink from the fountain. Salmacis fell in love with the youth who had come to drink at the spring. He rejected her advances and begged her to go into the woods and leave him alone.

Salmacis withdrew into the forest, but kept an eye on Hermaphroditus. Lured by the cool and refreshing waters of the spring, he plunged into the waters. Salmacis plunged in after him, and clung to him and prayed that he would never be separated from her. Her prayer was answered as their bodies were fused into one. Hermaphroditus, realizing that he no longer existed as a man, prayed that whatever man who bathed or drank from that pool would become only half a man. This accounts for the mythological tradition concerning the fountain of Salmacis. To drink from the fountain was to lose the essence of one's self.

We drink from the waters of Salmacis and are no longer our own true selves when we perpetuate the current campaign system in which we finance our campaigns through the contributions of special interest groups which naturally expect something in return. They expect to influence, at some point in time, the legislation in which the group is interested. And to the extent that they are able to influence us, they rob us of our manhood, and we emerge after drinking the waters of Salmacis not so much our own man as we were before. No longer will it be easy to wear no man's collar but our own.

Mr. President, indeed, there is something deeper, something that is more eternal, something that gets inside the core of the human spirit and soul when one allows himself to be influenced in the discharge of the people's business by money—"Philip's gold"—in the form of campaign contributions. To that degree, he subordinates the interests of the American taxpayers, he subordinates the interests of his own country, and he subordinates the interests of his own grandchildren. He has put his own personal ambitions, his own political and private interests ahead of the public interest. In short, again, a full-blown case of the Alcibiades syndrome.

John of Salisbury said that it was glory enough for Prothaonius that he was a man of whom his grandson need

not be ashamed. Can we Senators, when the time comes as I said to someone earlier today, when we leave this Senate, however we leave it, whether through death, through defeat, or through retirement, can we look into the mirror and say: "I have been my own man. I wore no man's collar but my own. Was I a man of whom my grandson need not be ashamed?" Can we say that?

Failure to enact this legislation will be the real scandal in Washington this year. A veto of this landmark bill by President Bush will be the real proof that Washington is completely out of touch with the American people. I hope the American people will rise up and demand that we take this step as a beginning to a return to honest, effective government. If the American people want a change in the way their elected officials in Congress and in the White House do business, here is the real way to effect it. Someone asked the Greek philosopher, "What has philosophy given you?" Aristippus answered: "The power of speaking fearlessly to all men."

A vote to eliminate the present system of campaign financing will give us the power of speaking fearlessly to all men. No longer will we have to be "half a man," drinking from the fountain of Salmacis, going after Philip's gold, cringing before the groups that pour money into our campaigns and to that degree control our vote; but like Aristippus, we can say we have gained the power of speaking fearlessly to all men.

Mr. ROCKEFELLER. Mr. President, every Member who has held a town meeting recently, or listened to constituents, knows that voters are angry—very angry.

They feel cut off from the political process. They question if their elected representatives are too busy raising campaign funds to work on the real issues facing America. They know that our country is not on the right track, but they doubt that elected leaders understand the real problems facing families.

It is a tragedy that voter confidence is so low. Instead of believing that Government is part of the solution, too many voters believe that Government, and especially Congress, is part of the problem.

It's clear that a major contributing factor of voter distrust is our existing campaign finance system. People feel that they are shut out of the political process because of a complicated campaign finance system that they don't understand or trust.

To restore voter confidence in our system, we need to take bold action to revamp our campaign system. This conference report does that.

It curbs the money chase by providing reasonable incentives for candidates to voluntarily accept spending limits. Spending limits are the cornerstone for serious reform. Unless we enact spending limits, we'll just be reshuffling the rules rather than grappling with the real problem.

In addition to spending limits, the conference report seeks to reduce the appearance of special interest influence by cutting the amount of political action committee [PAC] contributions in half—to $2,500—for Senate candidates. The bill also establishes aggregate limits on PAC's. To close the loophole on campaign funds known as soft money, the legislation specifically requires that all political party spending that affects a Federal election will be paid with contributions raised according to Federal election law. This is balanced and fair.

Republicans have attacked this legislation with clever slogans. But the bottom line is that Republicans are unwilling to adopt voluntary spending limits. They are trying to get away with only tinkering at the edges. They focus on minor changes of Federal election law that would modify who could contribute to candidates and parties, and how much could be contributed. But they refuse to discuss voluntary spending limits and real reform. Republicans don't want to end the money chase.

But I believe voters do want to curb the money chase.

Voters are demanding real change. The conference report represents genuine reform. It is not a perfect bill, but it does respond to the overwhelming concern of American voters regarding excessive campaign spending.

Campaign finance reform is an important step toward restoring voter confidence, and I am proud to have consistently supported Democratic efforts in the Senate to enact meaningful campaign reform.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. INTERNATIONAL TELECOMMUNICATIONS POLICY

Mr. PRESSLER. Mr. President, I have returned from a meeting in Geneva, Switzerland, with officials at the International Telecommunications Union [ITU]. I discussed with Deputy Secretary Jean Jipguep and Director Theodor Irmer the role the United States will play in developing the infrastructure of many former Communist block nations. The collapse of the Soviet Union has caused many Eastern European countries to reexamine their national telecommunications policies. East European governments no longer want to stifle open individual communication by their citizens. Rather, they now recognize the need to link their people with the outside world.

Other developing nations have realized that operating their state telephone monopolies as cash cows has resulted in a crumbling telecommunications infrastructure unable to function in the world economy. Former Communist bloc countries and developing countries are beginning to recognize that modernization of the telecommunications infrastructure creates new efficiencies in their economies.

As a result, the world is experiencing a phenomenon in communications. Never before in the history of modern telecommunications have so many government-controlled telephone monopolies opened up to foreign investment and ownership. I learned at my meeting with ITU officials that over 25 countries have completed telecommunication restructuring efforts. Another 35 countries have begun or are currently evaluating restructuring.

Privatization and restructuring of the global telecommunications industry has created unprecedented opportunities for U.S. telecommunications companies that were unimaginable even 5 years ago. At this extraordinary moment in world history, however, seven of America's preeminent telecommunications companies are hindered by U.S. law from taking full advantage of these openings.

The modified final judgment [MFJ] prohibits the regional Bell operating companies [RBOC's] from providing international interexchange telecommunications services between foreign countries and the United States through separate foreign telecommunications entities. Additionally, the RBOC's are prohibited from importing telecommunications equipment or customer premise equipment manufactured by a foreign subsidiary. Foreign companies competing with the RBOC's to establish foreign ventures frequently argue to foreign governments that the MFJ precludes the RBOC's from fully operating in foreign markets. This create confusion, hesitation, and delay that adversely affects the efforts of U.S. companies to conduct legitimate business overseas.

When an RBOC is interested in participating in a foreign venture, it must seek a waiver from the Justice Department on a case-by-case basis. This obstacle places the RBOC at a serious disadvantage with foreign competitors.

Mr. President, last year following a visit to a NYNEX telecommunications

facility in Portsmouth, Great Britain, I called for the elimination of domestic restrictions that prohibit RBOC's from carrying long distance traffic from foreign owned companies back to the United States. This past December, the RBOC's filed with the Justice Department a request for a generic waiver to the MFJ to permit them to acquire foreign telecommunication companies providing communications services to the United States.

This generic international wavier would break down a self-imposed trade barrier facing U.S. companies, and allow the RBOC's to operate freely on the global stage. Our domestic law currently restricts seven of our largest companies from participating in what truly is a global revolution. It is time for this restriction to end. It is vital to American trade policy that the Justice Department act quickly to expedite this waiver request.

Last month Ambassador Bradley Holmes wrote the Justice Department in support of this waiver request. Ambassador Holmes agrees that America's international trade and foreign policy interests would be served well by the granting of this waiver request.

Mr. President, this is another example of the excellent work being done by the State Department's Bureau of International Communications and Information Policy.

On a number of occasions, I have discussed America's international telecommunications policy with Richard Beaird, the Bureau's Deputy Coordinator. I have always found Dick's analysis of the complex telecommunications policy questions to be extremely insightful. We can be proud to have a public servant of Dick's caliber, coordinating our Nation's international communications policy.

Mr. President, I ask unanimous consent to have Ambassador Holmes' letter to Justice and an article appearing in Washington Telecom Week printed in the CONGRESSIONAL RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. PRESSLER. I would like to describe those articles. First of all, the Washington Telecom Week is the inside Washington to look at Federal Washington's policymaking. It states: "The State Department argues the Regional Bell Operating Companies should acquire foreign entities under generic waiver."

The State Dept. is strongly supporting a move by the Regional Bell Operating Companies (RBOCs) to lift Modified Final Judgment (MFJ) controls on foreign investment in order to take advantage of the restructuring of the telecommunications industry in Eastern Europe. In a letter seeking to enlist the help of the Justice Dept. on the matter, a top State official asserts RBOCs should be allowed to acquire foreign telecommunications entities under a generic waiver rather than the current case-by-case approach that is said to put the Bells at a serious competitive disadvantage with other U.S. and international telecommunications giants.

EXHIBIT 1

DEPARTMENT OF STATE, BUREAU OF INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY,
Washington, DC, March 13, 1992.

Mr. JAMES F. RILL,
Assistant Attorney General, Antitrust Division, Department of Justice, Washington, DC.

DEAR MR. RILL: I am writing about the request for a generic international waiver of the Modification of Final Judgment (MFJ) filed by the seven regional Bell companies on December 31, 1991. The waiver will permit the Bell companies to acquire foreign telecommunications entities providing international telecommunications services between foreign countries and the United States. Consistent with our previous letters to the Department of Justice on specific waivers requests by the Bell companies (attached as Tabs 1 and 2), I urge the Department to recommend to the Court that no substantial anticompetitive harm will occur if the waiver authority that previously was granted on a case-by-case basis to the regional Bell companies is extended generically.

Although I understand that the position the Department of Justice takes in this matter will be determined primarily by domestic antitrust considerations, I would like to bring certain international trade and other foreign policy interests to your attention.

Until quite recently, virtually all foreign countries provided telephone services to their populations through a government monopoly. This has had deleterious consequences, not only for U.S. commercial enterprises seeking to do business abroad, but also for the ability of individual citizens to communicate freely and inexpensively. Today, business opportunities are created when foreign countries restructure their telecommunications industries by privatizing telecommunication services and by opening previously monopolistic markets. To date over 25 countries have completed some form of restructuring and restructurings are now underway or being considered in at least 25 countries. This trend is particularly pronounced in the former communist bloc and in developing countries.

As a result of these foreign telecommunications restructurings and the consequential opportunities created for the global telecommunication industry, the practical implementation of the MFJ has had effects which could not have been anticipated when the AT&T case was settled. Foremost is the case-by-case waiver procedure required before the regional Bell companies can acquire equity interests in foreign companies. This waiver procedure has created artificial barriers, both real and perceived, for the regional Bell companies and has hindered their ability to aggressively pursue foreign opportunities. Many foreign telephone administrators, for example, view the MFJ constraints as impediments to Bell company participation in privatization bids or resent what they consider to be U.S. government intrusion into their sovereign affairs.

The generic international waiver would alleviate these foreign trade barriers and advance U.S. foreign policy interests by allowing the regional Bell companies to compete on a level playing field with both their domestic and international competitors, when attempting to acquire equity interests in foreign restructurings. The international trade interests of the United States are obviously served when domestic telecommunications firms, such as the regional Bell companies, compete effectively in these foreign restructurings. The export of telecommunications products, services, and investments contributes directly to improving the U.S. balance of trade and realizing the basic human right to communicate freely.

These international trade and foreign policy considerations do not imply that the regional Bell companies necessarily would be more effective than other domestic telecommunications firms in advancing U.S. policy interests. Absent an appropriately conditioned waiver, however, seven of our largest domestic telecommunications firms would be precluded from competing in a growing number of foreign restructurings, despite the policy interests of the United States that may be served by their doing so.

I urge that the Department of Justice give appropriate consideration to the international trade and foreign policy interests I have identified in determining that the generic waiver will not constitute substantial anticompetitive harm, particularly because the opportunities created by privatization could not have been anticipated by the MFJ.

Sincerely,

Ambassador BRADLEY P. HOLMES,
U.S. Coordinator and Director.

[From Washington Telecom Week, Apr. 10, 1992]

STATE DEPT. ARGUES RBOCS SHOULD ACQUIRE FOREIGN ENTITIES UNDER GENERIC WAIVER

The State Dept. is strongly supporting a move by the Regional Bell Operating Companies (RBOCs) to lift Modified Final Judgment (MFJ) controls on foreign investment in order to take advantage of the restructuring of the telecommunications industry in Eastern Europe. In a letter seeking to enlist the help of the Justice Dept. on the matter, a top State official asserts RBOCs should be allowed to acquire foreign telecommunications entities under a generic waiver rather than the current case-by-case approach that is said to put the Bells at a serious competitive disadvantage with other U.S. and international telecommunications giants.

The RBOCs filed a request in December for a generic waiver to the Modified Final Judgment (MFJ) breaking up AT&T so that they would be permitted to acquire foreign telecommunications entities that provide services between the U.S. and foreign countries. State Dept. Ambassador Bradley Holmes told James Rill, the assistant attorney general of the antitrust division at Justice, that "no substantial anticompetitive harm" will occur if the waiver authority that was previously granted on a case-by-case basis to the RBOCs is extended generically. Holmes made this point in a March 13 letter to Rill but has not yet received a response. Holmes wants Justice to tell U.S. District Judge Harold Greene, who oversaw the breakup of AT&T, that a generic waiver should be issued. It is Greene who will make the final decision.

One industry source emphasized that every time the RBOCs want to participate in a foreign venture, they have to ask Justice for a specific waiver. This is an additional hurdle the RBOCs have to jump through before a foreign entity can consider their business proposals, and the RBOCs say the process puts them at a disadvantage compared to other U.S. firms that want to acquire foreign entities. The RBOCs apparently have not yet

decided whether to press for the waiver request if Justice does not give a clear expression of support for a generic waiver.

While Justice will zero in mainly on domestic antitrust issues, Holmes urged the department to also consider the international trade and foreign policy interests surrounding the generic waiver request. He pointed out that business opportunities are created when foreign countries restructure their telecommunications industries by privatizing telecommunication services and opening monopolistic markets. Over 25 countries have completed some form of restructuring, and restructuring are underway or being considered in at least 35 countries, he said. This trend is particularly pronounced in the former communist bloc and in developing countries.

Because of this foreign telecommunications restructuring, the implementation of the MFJ has had effects that could not have been anticipated when AT&T was broken up, Holmes emphasized. He said the case-by-case waiver procedure has created artificial barriers for the RBOCs and has hindered their ability to aggressively pursue foreign business opportunities. Holmes told Rill that many foreign telephone administrators "view the MFJ constraints as impediments to Bell company participation in privatization bids or resent what they consider to be U.S. government intrusion into their sovereign affairs."

Holmes said that the generic international waiver would alleviate these foreign trade barriers and advance U.S. foreign policy interests by allowing the RBOCs to better compete domestically and internationally when attempting to acquire equity interests in foreign restructuring.

Holmes urged Justice to give "appropriate consideration" to international trade and foreign policy interests "in determining that the generic waiver will not constitute substantial anticompetitive harm, particularly because the opportunities created by privatization could not have been anticipated by the MFJ."

Justice is reviewing the original waiver request, the comments filed by various parties and the letter from Holmes. There are no deadlines for either the Justice Dept. or Judge Greene to act on the waiver request.

ARMENIAN GENOCIDE: A HISTORY WHICH MUST NOT BE FORGOTTEN

Mr. PRESSLER. Mr. President, today we pause to remember the victims of the first genocide of this century. I wish to add my voice to others commemorating the 77th anniversary of the Armenian genocide in which 1.5 million Armenians were killed between 1915 and 1923 by forces of the Ottoman Turkish Empire.

I became interested in this issue as a student at Oxford University long before I entered public service. Since that time I have believed it important to discuss publicly the Armenian genocide often, so that this cruel lesson of history is not forgotten. Mr. President, it is important that we not ignore or forget such events in history.

It is important not only because of a moral imperative that we honor the memory of the victims of such atrocities. It is also important because when the world forgets such events, it allows future despots a freer hand in conducting genocide against other races—as occurred in both Germany and Cambodia. Therefore, Mr. President, let us consider the events of the Armenian genocide in a historical context.

In 1915, the Ottoman government, controlled by the Young Turk Committee, began to use deportation and massacre as it implemented a policy of annihilation directed at Armenians living in the empire. Because the United States remained the sole major Western state with a diplomatic presence in the Ottoman Empire, our Embassy in Constantinople became the primary contact for those reporting on the escalating violence against the Armenians. Therefore, the United States Archives hold some of the most comprehensive documentation in the world concerning the Armenian genocide.

The edict of deportation was promulgated on May 27, 1915. However, this act simply formalized a governmental policy which had its roots in the reign of the Ottoman Sultan Abdul Hamid II, under whose rule some 300,000 Armenians were massacred from 1894 to 1896. Once the edict was announced, Armenians throughout the empire were deported with little notice.

The men were often separated and killed. The women, children, and the elderly were forced to march across Asia Minor and Turkish Armenia into the Syrian desert. Most were killed or died of starvation, disease, or exposure.

Then United States Ambassador to Turkey, Henry Morgenthau, soon reached the conclusion that under the guise of a resettlement policy, the Ottoman government was engaged in a systematic effort to exterminate its Armenian population. The Ambassador relayed his findings to Washington, which authorized him to make formal protests to appropriate Ottoman officials.

Congress authorized the establishment of a private relief agency to raise funds in the United States and send aid to Armenian deportees scattered across Syria. Ambassador Morgenthau and other United States officials played key roles in disbursing aid to the Armenians in the face of regular interference from Ottoman officials. Unfortunately, this was not enough to stem the tide of tragedy.

In the end, 1.5 million Armenians perished. More than 500,000 more escaped to the north across the Russian border, south into Arab countries, to European countries, and the United States. The Armenians of the Ottoman Empire virtually were eliminated from their ancestral homeland. Today, fewer than 100,000 declared Armenians reside in Turkey.

Mr. President, I rise today for three reasons. First, to honor the memory of those who suffered and died during the Armenian genocide. They died not because of anything they did, but simply because of who they were. They must not be forgotten.

Second, as I have said in this Chamber in the past, Turkey should officially accept the historical accuracy of the Armenian genocide. So long as Turkey denies these events occurred, some Americans will be willing to join the denial effort. Turkey must accept—as most of the rest of the world has already done—the reality of the genocide. We will continue to value Turkey as a staunch ally, but it will never fully achieve its potential standing in the international community unless it accepts these facts.

Mr. President, I have said to Turkish officials during visits to that country, that I feel it would be in Turkey's interests, both internationally and historically to accept these facts.

Finally, I rise today to help ensure the world itself does not forget the tragic proportions of the Armenian genocide. If it does, I fear the daunting words of the German philosopher, Georg Hegel, will reflect a frightening reality. He said: "What experience and history teach is this—that people and governments never have learned anything from history, or acted on principles deduced from it." Mr. President, it is frightening to think of living in a world doomed to suffer the savagery of tyrants simply because it fails to remember the tragedies it already has survived.

WHY IS RUSSIA SELLING SUBMARINES TO LIBYA AND IRAN?

Mr. PRESSLER. Mr. President, today I received shocking news from the Government of Latvia that the Government of Russia is apparently prepared to deliver a submarine to the Libyan Government using the Latvian port of Bolderaja once it is repaired by former Soviet military and Libyan technicians in a Russian-owned factory run by the Russian military. Such an action would be in direct violation of U.N. sanctions against Libya adopted on March 31. This situation is intolerable, and I call on President Bush and Secretary of State Baker to exert immediate and maximum pressure to prevent this submarine transfer to Libya from occurring.

According to the Latvian newspaper Diena, a second submarine is being retrofitted at the same factory for shipment to Iran. This, too, is something the administration should work to prevent.

The sovereign Government of Latvia has protested in the strongest possible terms the preparations for this perilous, illegal transfer of weapons technology. It is not surprising that Libyan dictator Mu'ammar Qadhafi, a notorious supporter of state-sponsored terrorism and of the Palestine Liberation Organization, will go anywhere and pay any price for new weapons capabilities.

However, it is appalling that elements of the Russian Government, which the United States is preparing to provide enormous amounts of foreign aid, is working with him to achieve this nefarious objective.

Mr. President, it appears this may be a case where the old Soviet military industrial complex is flexing its muscle in today's Russia. It is possible that continued retrofitting of the Libyan and Iranian submarines is an attempt to embarrass President Yeltsin and the reform elements of the Russian Government. Nevertheless, the submarine transfer demonstrates the continued strength of the former Soviet military and bureaucracy. It highlights the fact that with these elements of the old regime in power, unless great care is exercised, U.S. assistance efforts may be largely wasted.

The Latvian Government has appealed for United States help in stopping this action by its larger neighbor. The Latvian Government also has stated that the submarine transfers underscore the broader issue of unwanted military forces in the Baltic States. Now it appears Russia is preparing to ignore the sovereignty of Latvia by using the military and Russian owned factories in Latvia to conduct illegal activity. On April 22, Latvia protested to the Government of Russia. The Latvian Government maintains that the Libyan technicians working on the Libyan-bought submarine were invited by the Russian Foreign Economic Relations Ministry. Yesterday, the Latvians also sent a diplomatic note to the United States State Department and the United Nations.

The Russian Press Agency, has indicated that the submarines were purchased from the Soviet Government in 1988 and that the Yeltsin administration is prepared to honor the contracts made by the Soviet regime with these terrorist countries—despite the repudiation of the Communist system by the Russian people, and despite the U.N. embargo against Libya. The Russian Press Agency quoted a naval officer as saying that the plant will honor the contract made between the Libyan Government, the Soviet Armed Forces, and the shipyard.

Mr. President, President Boris Yeltsin's quick denunciation of the massacre of innocent civilians in Vilnius in January 1992 and his appeal to Russian soldiers to restrain themselves then and during August 1991, were to a large extent, responsible for ending bloodshed and preventing further deaths and injuries.

That model behavior is not reflected in the submarine transfers. As far as this Senator is concerned, all future assistance to the Government of Russia is now on the line and in question. The time has come for the Russian Government to be held accountable for the actions of its military or bureaucracy.

The Russian Government has claimed former Soviet military bases and former all-union factories in the Baltic countries. In fact, on February 10, the Central Administration of the Commonwealth Baltic Fleet Ship-Repair Factories sent a document to the ship-repair factory stating that it remained the property of the Russian Federation. It is therefore responsible for the unconscionable events taking place in Latvia.

Mr. President, I urge President Bush and Secretary Baker to take decisive action in denouncing these actions of the Russian Government. Unless President Yeltsin blocks these arms transfers, I am convinced the only responsible course is to suspend all nonhumanitarian assistance to Russia that is funded, directly or indirectly, by the people of the United States.

In addition to an immediate suspension of these illegal arms transfers, the United States should take energetic and effective action to terminate the presence of over 100,000 former Soviet troops and numerous air, naval, and army bases in the so-called Baltic military district. To this end the Senator from Arizona, Mr. DECONCINI, and I will propose an amendment to the Freedom and Support Act for Russia, S. 2532. The amendment would condition United States foreign assistance to Russia on significant progress in the removal of former Soviet troops from the Baltic nations.

Although President Yeltsin has indicated Russia's eventual willingness to leave the Baltic States—his government has offered a variety of weak excuses for delaying the timetable for removing occupation forces. In my opinion, these excuses do not justify a continued military presence.

Mr. President, it now appears these bases are being used for the hostile activity, contrary to international law and American foreign policy, of providing submarines to Libya and Iran. This is all the more reason for the United States to insist on Russia's immediate departure from the Baltic States.

Until its destabilizing forces are removed, the Russian Government will continue to conduct military exercises without the approval of the Baltic governments. In truth, the Baltic States can be used as the launch site or the port of exit for sales to states hostile to United States interests and international agreements. I am disturbed to learn that the Government of Estonia recently noted that former Soviet troop levels have increased rather than decreased in recent months. Mr. President, I ask unanimous consent that a copy of an article entitled, "For Red Army in the Baltics, a Long Goodbye," from the Los Angeles Times be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Mr. President, the problem of former Soviet bases in the Baltic States is a long-standing issue. This is not the first time bases in the Baltic States have been used for illegal activities contrary to the interests of the United States and its allies. For instance, soon after Iraq's invasion of Kuwait, Senator HELMS told the Senate that the Soviet Government was training Iraqi soldiers in Latvia. Unfortunately, his revelation was right on target.

Mr. President, we must plug the holes in the international coalition against Libya and Iran. The United States must condemn these submarine sales and support prompt departure of former Soviet troops from the territory of some of the newest European allies—Estonia, Latvia, and Lithuania.

EXHIBIT 1

[From the Los Angeles Times, Mar. 30, 1992]

FOR RED ARMY IN BALTICS, IT MAY BE A LONG GOODBY

(By Tamara Jones)

One afternoon last month, the Red Army cordially invited the international media to observe what was being billed as a historic occasion: the first withdrawal of former Soviet troops from this newly independent Baltic nation after 50 years of occupation.

The gates of the army compound just outside Vilnius were flung open, and seven massive trucks bearing surface-to-air missiles revved their engines. With television cameras rolling, the usually taciturn soldiers began to ham it up, waving goodby and tracing their fingers along road maps pointing the way back to Russia.

The journalists waited. The Red Army smiled and waived some more. Eventually, the cameras were turned off. So were the truck engines. The exasperated journalists left. The Red Army did not.

Later, a sheepish commander explained that it was all basically a publicity stunt to signal the army's readiness to retreat.

But the farce is no laughing matter to the Lithuanians, Estonians and Latvians who consider themselves still occupied by an unpredictable foreign army six months after the disintegrating Soviet Union recognized Baltic independence.

Confusion, chaos and corruption dominate what is supposed to be the withdrawal of at least 120,000 ex-Soviet troops from the Baltics; tensions already have led to shootings at border posts and dark threats of starving out the occupiers. Meanwhile, officers and soldiers have been selling everything from bullets to-in at least one instance-entire bases on the sly.

Although Russia has accepted responsibility for the army and agrees that the troops must withdraw, the debate is only now heating up over how quickly they will leave, where they will go and, most important, who will pay for all of it.

Further complicating the touchy issue are reports that many officers are vehemently opposed to giving up their apartments, villas and higher standards of living in the Baltics for an uncertain future back home in the former Soviet Union, where a lack of housing already has forced many military families who have been withdrawn from Eastern Europe to live in tents.

"It is just as dangerous to take an army out into a vacuum as it is to leave it be-

hind," said Sergei Shakhrai, the head of the Russian delegation negotiating terms of the pullout.

The Baltics have demanded that all troops leave by the end of the year, which government officials privately concede is an impossible deadline. Russian commanders say a seven-to-10-year timetable is more likely-a possibility the Balts find chilling.

The deepest fear in the Baltics is that political instability in the Commonwealth of Independent States, particularly Russia, will lead to another coup attempt and give military hard-liners still stationed in the Baltics a chance to crack down. There is also concern that fuel and food shortages in Russia will worsen, possibly curtailing supplies to the troops here and triggering panic among the soldiers.

Soviet troops killed 14 civilians in Lithuania and seven in Latvia in bloody attempts to crush Baltic independence a year ago. The Lithuanian Parliament still keeps itself barricaded behind sandbags and barbed wire, saying the siege mentality must prevail until the last soldier leaves.

"We cannot exclude the possibility of major conflicts, but we hope to avoid them," said Toomas Puura, head of the parliamentary commission on defense in tiny Estonia, where the smallest Red Army contingent—about 36,000—is stationed.

Such warnings are unlikely to impress the military command.

With no real armies of their own, no international pressure being brought to bear on the occupying army, and weak economies still desperately dependent on Russian imports, the Baltics are virtually powerless to back up their demands.

"We can tell them to get out all we want," said Mikhails Stepicevs, head of Latvia's parliamentary commission on defense. "They're going to withdraw, but they're in no hurry. What timetable do we want? Yesterday. But the Russian side wants to stay a long, long time, as long as they can, and maybe even keep a military base here."

So far, none of the Baltic nations have indicated any willingness to allow a continued Red Army presence, and the army in turn is loath to leave behind strategic air-defense, marine and early-warning systems that would be expensive to re-create in Russia.

The Russians have rebuffed even the most basic requests, such as an inventory of personnel, equipment and military installations on Baltic territory, and Baltic inspectors are denied access to the thousands of bases, airstrips and other facilities that sit on what is now sovereign territory.

Two nuclear reactors and at least six chemical weapons depots are thought to be in Estonia alone, and a general perception of disarray in the ranks leads Stepicevs to conclude with alarming certainty, "If I wanted, I could buy nuclear weapons."

Night-vision equipment and small arms have reportedly turned up at local flea markets, and Estonian officials have discovered that an entire Soviet base—complete with barracks, a canteen, a central-heating plant and a peat farm—was sold illegally to a civilian for about $29,000. Who sold it and where the money went is anyone's guess.

"They're selling everything that isn't nailed down," said a Western diplomat in Riga, Latvia, where the Baltic forces are headquartered.

"They strip the wiring right out of the walls when they leave and take all the lights," added the diplomat, speaking on condition of anonymity. "It's one thing to sell off the occasional greatcoat or fur cap, but * * * Kalashnikovs and bullets are being sold. The real concern for the Latvian government is that all these arms are disappearing, and where are they going?"

The Commander of the Baltic forces, Gen. Valery Miranov, says only that "some small parts" of his command are "disorganized."

Miranov says there are 120,000 troops in the region, but other estimates by Western diplomats and Baltic authorities run as high as 400,000. Some troops already have left, but there are no official figures, although Estonia calculates that up to one-third of the forces there have already left without fanfare.

At least 80,000 officers also are believed to have retired in the Baltics, particularly in Latvia, where the population is almost equally divided between Russians and Latvians. Radical nationalist groups in Latvia have been demanding that the citizenship law now being drafted exclude Russians and force the deportation of all retired officers.

Miranov recently linked the citizenship question to withdrawal of the troops, much to the ire of Latvian leaders who complained that he has no right to meddle in their domestic affairs.

"We have to solve the question of citizenship of army members and pensioners and all Russian-speaking inhabitants first," Miranov said at a briefing of Western journalists who had asked when troops would withdraw.

Miranov also bitterly complained that 15 Latvian border guards had "physically assaulted" two Russian officers last January when they drove from Latvia into Lithuania. He gave no further details but stressed that such incidents could easily escalate into violence.

"It is impossible to predict what will happen if the person involved isn't calm," he said.

In Lithuania, border guards earlier this year tried in vain to shoot out the tires of a Red Army truck that roared past a checkpoint into Belarus.

There have been several other incidents viewed by the Baltics as deliberate provocations. Estonian authorities at the border angrily unhooked railroad cars carrying new conscripts to Tallinn, forcing them to hitch a ride on the next train. Two trainloads of military supplies were also seized in the Estonian town of Tartu.

The question of ownership is one of the main stumbling blocks in negotiations over withdrawal, since each of the Baltic nations is trying to nationalize all or part of the military property and equipment currently in Red Army hands. They argue that this will partially compensate the Baltics for the military equipment and private property seized when the Soviet troops began their occupation and for the environmental damage they leave behind.

But the Russians are presenting their own bill to the Baltics, saying they must be reimbursed millions of dollars for the property they cannot take with them, such as postwar buildings, airstrips and military hospitals.

In addition, Moscow has indicated that the pullout might be speeded up if the Baltics follow wealthy Germany's example and pay for housing to be built for officers back home. Estonia already is exploring the possibility of using Western credits and Estonian construction workers to do just that.

"When the Soviet Union occupied Estonia, they took away all the arms and equipment of the Estonian Defense Forces—the equipment of 130,000 troops—the submarines, the airplanes, the airports * * * Everything was confiscated," recalled Puura, the Estonian lawmaker.

"We're just now beginning to calculate the environmental damage, and nobody could ever estimate the moral damage done to our people over 50 years," he said. "Tens of thousands of people were deported and killed, and our country went from a normal modern, developed country to an underdeveloped Third World country.

"And now, after all the damage they've inflicted, they're still trying to make us pay for what they did to us," he fumed.

But current hardships have imposed at least a partially symbiotic relationship, with local military commanders trading fuel for food from private farmers.

Oleg Popovitsh, minister of the Russian Embassy in Estonia, agreed that his country should pay for any damages but said Russia "does not accept the nationalization of all Red Army equipment."

"If the Estonian Defense Forces are interested in arms, we'll be happy to sell to them or make deals as part of the compensation. But seizing them? That's impossible."

Popovitsh estimated Soviet property in Estonia at well over $1 billion—about 30 times the entire Estonian budget.

Conscripts themselves are reluctant to discuss going back home, even when commanding officers leave the room.

"Do I consider myself an occupying force?" said Jahanger Mamaturoyev, 18, pausing for several long minutes before answering in a low voice. "Yes, I do."

A fellow soldier at the antiaircraft missile base about 15 miles from Tallinn acknowledged that he is worried about what awaits him when he returns to his village in Kazakhstan.

"We're not very glad about our prospects," said Marat Mosik, a 19-year-old sergeant. "We have food in the army." He ticked off a typical menu: macaroni for breakfast, pilaf with a little beef for lunch, mashed potatoes for dinner.

His deputy commander is also worried about leaving. "I've served in Estonia for 16 years," said Lt. Col. Vassily Vassiliyev. "Of course, I had my plans for retirement. Sixteen years is a long time, and I haven't been in my native country—Russia—for 20 years. I had been cherishing a hope of settling down in an apartment in Tallinn. My children grew up here, and the feeling deep in my soul is to stay in Estonia. But I will leave."

The brigade commander, Col. Alexander Zharenov, figures that the 2,000-man unit will not complete its withdrawal until 1999.

"As commander of this brigade, the biggest problem is finding housing for every single officer," he said, noting that 400 come under his jurisdiction. "I'd feel ashamed to look my subordinates in the eye if I can't guarantee them a decent place to live. The only thing holding us back is housing.

"The biggest problem is uncertainty and the dark future," he added.

There is no overt animosity between the soldiers with the hammer-and-sickle emblems still on their uniforms and the Balts who have grown accustomed to seeing them in their cities and villages over the years.

"They always answer us politely and look right through us," said Lithuanian journalist Algimantas Cekuolis.

"But it's better than being shot."

NATIONAL VOLUNTEERS' WEEK AND NATIONAL VOLUNTEERS' DAY, 1992

Mr. PRESSLER. Mr. President, today I wish to recognize the efforts of

the thousands of volunteers across the Nation, including those in my home State of South Dakota, who do so much important work. It is hard to imagine what our lives would be like if we did not have so many dedicated volunteers working to improve communities throughout our Nation.

April 26–May 2, 1992 is National Volunteers' Week. I would like to take this opportunity to offer my commendation and thanks for the work accomplished by outstanding volunteers in South Dakota. These individuals were recognized with "The Governor's Volunteer of the Year Awards" on January 28, 1992. These people are outstanding examples of what it means to be a volunteer. In addition to the award winners, I know there are many other very dedicated volunteers who deserve recognition.

Mr. President, I extend my congratulations to Julie Garreau of Eagle Butte, SD. She is President Bush's Point of Light Award recipient from South Dakota. Julie, a member of the Cheyenne River Sioux Indian Tribe, has spent hundreds of volunteer hours working with young people at "The Main," a Cheyenne River youth project.

Volunteering as the supervisor of that project has not been an easy task for Julie. Funding for the Main has been and still is in a state of crisis. Vandalism has made the facility inoperable on several occasions. However, Julie is determined to overcome such obstacles.

Every year Julie Garreau spends countless hours creating and leading fundraising projects and programs for young people. This year, the Main, which is open to young people ages 5 to 17, served 6,193 children.

Julie is fully aware of the peer pressure facing youth as they battle the temptations of drugs and alcohol. Many at-risk children known that the Main is the only place where they can feel special and learn the skills to combat the pressures they face each day. Again, my congratulations to Julie Garreau for her outstanding work as a volunteer.

Other volunteers making a difference for South Dakotans include:

First, Karen Mayry of Rapid City. Her motto is "Blind, yes; handicapped, never!" Karen is actively involved as a volunteer with the National Federation of the Blind. Her efforts have helped thousands of blind diabetics.

Second, Helen Kirkeby of Sioux Falls. Since 1985, Helen has worked as a trained volunteer comforter at the Neonatal Intensive Care Nursery at Sioux Valley Hospital in Sioux Falls, SD. In addition, she has served as a volunteer at the Sioux Falls Alternative School Program and at the local veterans hospital. Her life truly is committed to serving children. She literally has touched the lives of many.

Third, Brian and James DeJong, teenage brothers, were tired of "hanging around the house" when their mother suggested they become volunteers. Their mother's suggestion led them to develop a friendship with a resident of the Sioux Vocational Services group home, located in Sioux Falls. What began as a solution to boredom turned into a lasting and beneficial friendship for everyone involved.

Fourth, over the past 16 years, students attending the Sioux Falls Whittier Middle School have made a substantial difference for many families in their community. During this time, they have held food and clothing drives, raised approximately $15,000 for social service agencies and $25,000 for the March of Dimes. More importantly, through volunteering, the students of Whittier have learned that many hands lighten the load.

Mr. President, these South Dakotans exemplify the valuable services performed by volunteers across the Nation. I commend the efforts of these and the thousands of other American volunteers. I urge all of my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

THE CONFERENCE REPORT ON S. 3: A HISTORIC STEP FORWARD

Mr. PELL. Mr. President, as a sponsor of S. 3 and a consistent supporter of campaign reform over the years, I rise to express my strong support for the conference report before us.

The legislation that we act on today is a remarkable tribute to the durability of a set of ideas and to the steadfastness of one of our colleagues in particular, the senior Senator from Oklahoma [Mr. BOREN]. It has taken 6 long years to bring the legislation to this stage, largely through his efforts, and he is to be congratulated for his energy and persistence.

I am in full support of the bill as it has come from conference because it attacks, in several creative ways, the basic problems we must address, namely the spiraling costs of elections and the corrosive effects of the present financing system.

It does this by imposing restrictive but reasonable limits on overall campaign spending for those who will accept them. And at the same time, it provides significant options for sharply reducing costs to those willing to accept the limits.

In this connection, I am particularly pleased to note that the bill recognizes that the high cost of media advertising is probably the principle component in the fourfold increase in the cost of House and Senate campaign costs since 1976.

While I endorse the concept of broadcast vouchers for qualified Senate candidates, I will be frank to say that I vastly prefer the concept imbedded in my bill S. 2076, which would require broadcasters to provide free time, at no public expense as a return payment for their monopoly of the air waves.

With respect to PAC's it seems to me that the conference versions is an improvement over the Senate bill in that while it reduces the role of PAC's, it does not outlaw them altogether. To my mind, the influence of PAC's is less pernicious than that of large contributions from individuals.

I applaud many other features of the bill, namely the closing, at long last, of the soft money loophole, and the outlawing of corporate bundling, a practice which has already reared its ugly head in this election year.

It is very regrettable that S. 3 seems to have been written off in some quarters as a casualty of policy conflict between the legislative and executive branches on the issue of public finance. This should not be, and in fact, it does an enormous disservice to our colleagues who have worked long and hard to bridge the gap by inventive and accommodating means.

The fact that the entire scheme is voluntary goes a long way, it seems to me, to meet the opponents of public expenditure. And the conferenced version, I note, eliminates all references to a funding mechanism for the limited and contingent public benefits authorized by the bill. These could not become effective until funded by separate legislation.

So the conference report on S. 3 does indeed represent a historic step forward on a long and tortuous path. It should not be dismissed as a partisan ploy. It should be approved by a resounding margin.

And it should be signed into law.

MORNING BUSINESS

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. 2245. A bill to authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the United States Army Corps of Engineers under the authority of Public Law 100-202 (Rept. No. 102-271).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMM:

S. 2627. A bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office; to the Committee on Environment and Public Works.

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 2628. A bill to authorize certain construction at military installations for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

S. 2629. A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

By Mr. CRANSTON (by request):

S. 2630. A bill to amend Title 38, United States Code, to clarify the authority of the Department of Veterans Affairs' Chief Medical Director or designee regarding review of the performance of probationary title 38 health care employees; to the Committee on Veterans Affairs.

By Mr. FORD (for himself and Mr. WIRTH):

S. 2631. A bill to promote energy production from used oil; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI:

S. 2632. A bill to establish the National Environmental Technologies Agency; to the Committee on Governmental Affairs.

By Mr. DOLE:

S. 2633. A bill to revise the Federal vocational training system to meet the Nation's workforce needs into the 21st Century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality programs, and a voucher system to enhance participant choice, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 2634. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans Affairs.

By Mr. CRANSTON (for himself and Mr. METZENBAUM):

S. 2635. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Finance..

By Mr. THURMOND (for himself, Mr. MCCAIN, Mr. SEYMOUR, and Mr. SHELBY):

S. 2636. A bill to amend title 10, United States Code, to provide the Secretary of the Army with the same employment authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is provided regarding civilian faculty members of the Army War College and the United States Army Command and General Staff College; to the Committee on Armed Services.

By Mr. MCCAIN (for himself and Mr. MURKOWSKI):

S. 2637. A bill to increase housing opportunities for Indians; to the Select Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. DECONCINI, and Mr. DURENBERGER):

S. Res. 289. A resolution honoring the "Righteous Gentiles" of the Holocaust during WWII; to the Committee on the Judiciary.

By Mr. PRESSLER (for Mr. DOLE (for himself, Mr. PELL, Mr. HELMS, Mr. D'AMATO, Mr. GORE, Mr. GORTON, Mr. PRESSLER, Mr. MCCAIN, Mr. BREAUX, Mr. GARN, Mr. SEYMOUR, and Mr. MACK)):

S. Res. 290. A resolution regarding the aggression against Bosnia-Hercegovina and conditioning U.S. recognition of Serbia; considered and agreed to.

By Mr. FORD:

S. Con. Res. 112. A concurrent resolution to authorize printing of "Thomas Jefferson's Manual of Parliamentary Practice," as prepared by the Office of the Secretary of the Senate; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMM:

S. 2627. A bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office; to the Committee on Environment and Public Works.

GULF OF MEXICO PRESERVATION ACT OF 1992

Mr. GRAMM. Mr. President, I send to the desk a revised version of S. 1715, the Gulf of Mexico Preservation Act of 1992.

The revision which I send to the desk results from work with EPA and with the Office of Management and Budget. The bill that I now have submitted is supported by EPA and the Office of Management and Budget. It represents a comprehensive effort to establish a Gulf of Mexico program which will oversee efforts to improve and protect the environmental quality of America's sea, the Gulf of Mexico.

Mr. President, we have had two flagship water quality environmental programs in America. The first is the Great Lakes Program, which has achieved great things in terms of improving the quality of the Great Lakes. It is one of our great environmental achievements, showing that you can undo tremendous environmental damage if you institute a comprehensive program based on science.

Our second great environmental program is the Chesapeake Bay Program, a program that is critically important, a program that I support, and a program that has been established in order to understand problems in the Chesapeake Bay, and to improve the quality of the bay for both recreational uses and commercial fisheries.

What this bill will do, Mr. President, is set up a comparable program for the Gulf of Mexico. The Gulf of Mexico has generated in the last few decades, in terms of oil and gas revenues, more revenues than any other part of the Tax Code, save the income tax. It is the largest port of entry and exit for goods and services coming into and going out of the United States. It is the source of the largest marine fisheries in North America. It is a major source of tourism, and is a critically important asset for States such as Texas that border on the Gulf of Mexico.

What this bill will do is set up a major new environmental program, the Gulf of Mexico Program. It establishes a funding stream of $200 million over the next 5 years, with 70 percent of that money going to a grant program to fund research and other activities by the Gulf States.

Mr. President, I am firmly convinced that good science makes for good environment. If we are to improve the quality of our environment we have to have science on which to base our actions. We, in the Gulf of Mexico region, and especially in Texas, are not about to get out of the petrochemical business. We are not about to relinquish our capacity to generate jobs, growth, and opportunity for our people. We do, however, want to create jobs and improve the quality of the environment at the same time. I believe that good science will allow us to do this.

We currently have a lot of research underway in Gulf State universities. Obviously, I am more familiar with the research we have underway in Texas. Whether we are talking about Lamar University or Texas A&M at Galveston or Corpus Christi State University, we have quality research underway to understand the relationship between regional industry and the environmental quality of the Gulf of Mexico.

I believe that this program is vitally important. I ask my colleagues to look at it, and I am hopeful that it will become the law of the land. I think it represents a responsible and well-reasoned approach to the problem, and I commend it to my colleagues.

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 2628. A bill to authorize certain construction at military installations for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

MILITARY CONSTRUCTION AUTHORIZATION FOR FISCAL YEAR 1993

• Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize certain construction at military installations for fiscal year 1993, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Construction Authorization Act for Fiscal Year 1993".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ARMY

Sec. 101. Authorized Army construction and land acquisition projects.
Sec. 102. Family housing.
Sec. 103. Improvements to military family housing units.
Sec. 104. Authorization of appropriations, Army.
Sec. 105. Extensions of authorization of certain fiscal year 1990 projects.

TITLE II—NAVY

Sec. 201. Authorized Navy construction, repair of real property, and land acquisition projects.
Sec. 202. Family housing.
Sec. 203. Improvements to military family housing units.
Sec. 204. Authorization of appropriations, Navy.

TITLE III—AIR FORCE

Sec. 301. Authorized Air Force construction, repair of real property, and land acquisition projects.
Sec. 302. Family housing.
Sec. 303. Improvements to military family housing units.
Sec. 304. Authorization of appropriations, Air Force.

TITLE IV—DEFENSE AGENCIES

Sec. 401. Authorized Defense Agencies construction, repair of real property, and land acquisition projects.
Sec. 402. Authorization of appropriations, Defense Agencies.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 501. Authorized NATO construction and land acquisition projects.
Sec. 502. Authorization of appropriations, NATO.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

Sec. 601. Authorized Guard and Reserve construction, repair of real property, and land acquisition projects.

TITLE VII— EXPIRATION OF AUTHORIZATIONS

Sec. 701. Expiration of authorizations and amounts required to be specified by law.
Sec. 702. Effective dates.

TITLE VIII—GENERAL PROVISIONS

Sec. 801. Scope of chapters; definitions.
Sec. 802. Unspecified minor construction and repair.
Sec. 803. Renovation of facilities.
Sec. 804. Limitation on certain projects; authority to carry out small projects with operations and maintenance funds.
Sec. 805. Emergency construction.
Sec. 806. Base closure account management flexibility.
Sec. 807. Use of proceeds from the transfer or disposal of commissary store facilities and property purchased with nonappropriated funds.
Sec. 808. Exchange of certain real property for replacement facilities, Tustin, California.
Sec. 809. Homeowners assistance program.
Sec. 810. Real property transactions: reports to the armed services committees.
Sec. 811. Consistency in budget data.
Sec. 812. Construction authority in the event of a declaration of war, national emergency, or contingency operation.
Sec. 813. Authorized cost variations.

TITLE I—ARMY

SEC. 101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

ARMY: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alabama	Anniston Army Depot	$38,300,000
	Fort McClellan	$4,200,000
Arkansas	Pine Bluff Arsenal	$26,800,000
California	Sierra Army Depot	$2,450,000
Hawaii	Schofield Barracks	$5,800,000
Louisiana	Fort Polk	$7,400,000
New York	United States Military Academy, West Point	$1,600,000
Pennsylvania	Letterkenny Army Depot	$5,400,000
Texas	Fort Hood	$33,000,000
	Red River Army Depot	$3,600,000
Utah	Tooele Army Depot	$9,200,000
Virginia	Fort Pickett	$5,800,000
CONUS Classified	Classified Location	$3,000,000
	Classified Location	$700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

ARMY: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Germany	Grafenwoehr	$11,600,000
Kwajalein Atoll	Kwajalein	$52,800,000
OCONUS Classified	Classified Location	$1,000,000

SEC. 102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

ARMY: FAMILY HOUSING

State	Installation	Purpose	Amount
Hawaii	Oahu Various	200 units	$23,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(6), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $8,940,000.

SEC. 103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $143,660,000.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,684,665,000 as follows:

(1) For military construction projects inside the United States authorized by section 101(a), $214,250,000.

(2) For military construction projects outside the United States authorized by section 101(b), $65,400,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $64,803,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, $538,795,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $112,300,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $175,600,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,380,517,000, of which not more than $358,241,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $133,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 105. EXTENSIONS OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189, 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1993, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1994, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

ARMY: EXTENSION OF 1990 PROJECT AUTHORIZATIONS

State or country	Installation or location	Project	Amount
Colorado	Fitzsimons Army Medical Center	Child development center.	$2,100,000
Kansas	Fort Riley	Child development center.	$1,500,000
Louisiana	Fort Polk	Range modernization.	$9,600,000
Pennsylvania	New Cumberland Army Depot.	Hazardous material storage facility.	$14,000,000

ARMY: EXTENSION OF 1990 PROJECT AUTHORIZATIONS—Continued

State or country	Installation or location	Project	Amount
Virginia	Fort Lee	Enlisted Petroleum Training Facility.	$8,300,000

TITLE II—NAVY

SEC. 201. AUTHORIZED NAVY CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

NAVY: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alaska	Adak, Naval Air Station	$8,750,000
California	Camp Pendleton, Marine Corps Base	$25,500,000
	Lemoore, Naval Air Station	$680,000
	Port Hueneme, Naval Construction Battalion Center.	$14,300,000
	Seal Beach, Naval Weapons Station	$2,150,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center.	$4,600,000
Connecticut	New London, Naval Submarine Base	$12,500,000
Florida	Cecil Field, Naval Air Station	$5,850,000
Georgia	Albany, Marine Corps Logistics Base	$4,100,000
Hawaii	Barking Sands, Pacific Missile Range Facility.	$4,580,000
	Honolulu, Naval Communication Area Master Station, Eastern Pacific.	$1,400,000
	Pearl Harbor, Naval Supply Center	$7,700,000
	Pearl Harbor, Navy Public Works Center.	$24,900,000
Maryland	Bethesda, Naval Medical Research Institute.	$5,600,000
Rhode Island	Newport, Naval Education and Training Center.	$540,000
South Carolina	Charleston, Naval Weapons Station	$1,110,000
Tennessee	Memphis, Naval Air Station	$14,110,000
Texas	Corpus Christi, Naval Air Station	$4,900,000
	Kingsville, Naval Air Station	$10,120,000
Virginia	Norfolk, Naval Station	$880,000
	Norfolk, Naval Supply Center	$12,400,000
	Oceana, Naval Air Station	$3,190,000
	Yorktown, Naval Weapons Station	$1,100,000
Washington	Bangor, Trident Refit Facility	$1,550,000
	Bremerton, Puget Sound Naval Shipyard.	$14,800,000
	Bremerton, Naval Inactive Ship Maintenance Facility.	$1,200,000
	Everett, Naval Station	$5,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Greece	Souda Bay, Naval Support Activity	$7,600,000
Iceland	Keflavik, Naval Air Station	$4,940,000
Various Locations	Host Nation Infrastructure Support	$3,000,000

SEC. 202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

NAVY: FAMILY HOUSING

State	Installation	Purpose	Amount
Alaska	Adak, Naval Air Station.	46 units	$11,820,000
California	Camp Pendleton Marine Corps Base.	300 units	$30,600,000
	San Diego Navy Public Works Center.	300 units	$30,400,000
Connecticut	New London, Naval Submarine Base.	100 units	$11,850,000
Hawaii	Kauai, Pacific Missile Range Facility.	13 units	$2,330,000
New Jersey	Earle, Naval Weapons Station.	Community Center	$1,100,000
Washington	Bangor/Bremerton Naval Complex.	200 units	$19,500,000
West Virginia	Sugar Grove, Naval Radio Station.	8 units	$930,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $14,200,000.

SEC. 203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $198,340,000.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,856,095,000 as follows:

(1) For military construction projects inside the United States authorized by section 201(a), $194,110,000.

(2) For military construction projects outside the United States authorized by section 201(b), $15,540,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $82,123,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, $474,133,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $72,942,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $321,070,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $696,177,000, of which not more than $104,470,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE III—AIR FORCE

SEC. 301. AUTHORIZED AIR FORCE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

AIR FORCE: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alabama	Gunter Air Force Base	$960,000
Alaska	Clear Air Force Station	$2,250,000
	Eielson Air Force Base	$13,950,000
	Elmendorf Air Force Base	$6,550,000
	Galena Airport	$4,850,000
	King Salmon Airport	$6,400,000
	Shemya Air Force Base	$3,350,000
Arizona	Libby Army Air Field	$15,300,000
Arkansas	Little Rock Air Force Base	$710,000
California	Beale Air Force Base	$1,250,000
	Edwards Air Force Base	$24,500,000
	March Air Force Base	$2,250,000
	McClellan Air Force Base	$2,900,000
	Travis Air Force Base	$880,000
	Vandenberg Air Force Base	$26,250,000
Colorado	Peterson Air Force Base	$3,500,000
	United States Air Force Academy	$4,260,000
Delaware	Dover Air Force Base	$21,260,000
Florida	Cape Canaveral Air Force Station	$40,800,000
	Eglin Air Force Base	$1,680,000
	Homestead Air Force Base	$1,200,000
	Patrick Air Force Base	$7,700,000
Georgia	Moody Air Force Base	$780,000
Illinois	Scott Air Force Base	$960,000
Kansas	McConnell Air Force Base	$960,000
Louisiana	Barksdale Air Force Base	$3,320,000
Maryland	Andrews Air Force Base	$820,000
Mississippi	Keesler Air Force Base	$3,900,000
Missouri	Whiteman Air Force Base	$82,270,000
Montana	Malmstrom Air Force Base	$1,100,000
Nebraska	Offutt Air Force Base	$6,190,000
Nevada	Nellis Air Force Base	$2,980,000
New Jersey	McGuire Air Force Base	$8,970,000
New Mexico	Holloman Air Force Base	$11,420,000
North Carolina	Pope Air Force Base	$22,150,000
	Seymour Johnson Air Force Base	$5,230,000
North Dakota	Cavalier Air Force Station	$1,450,000
	Grand Forks Air Force Base	$6,500,000
	Minot Air Force Base	$6,600,000
Ohio	Wright-Patterson Air Force Base	$12,170,000
Oklahoma	Tinker Air Force Base	$21,280,000
South Carolina	Charleston Air Force Base	$26,700,000
	Shaw Air Force Base	$2,380,000
South Dakota	Ellsworth Air Force Base	$3,880,000
Texas	Dyess Air Force Base	$7,300,000
	Kelly Air Force Base	$21,360,000
	Lackland Air Force Base	$1,000,000
	Laughlin Air Force Base	$6,000,000
	Randolph Air Force Base	$1,250,000
	Sheppard Air Force Base	$6,990,000
Utah	Hill Air Force Base	$2,950,000
Virginia	Langley Air Force Base	$1,750,000
Washington	Fairchild Air Force Base	$2,510,000
	McChord Air Force Base	$2,540,000
Wyoming	F.E. Warren Air Force Base	$1,050,000
Various and Classified Locations.	Classified Locations	$19,750,000
	Various Locations	$3,300,000
	Various Locations	$3,900,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 304(a)(1), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

AIR FORCE: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Canada	Various Locations	$19,500,000
Germany	Rhein-Main Air Base	$3,100,000
Greenland	Thule Air Base	$24,900,000
Guam	Andersen Air Force Base	$3,090,000
Portugal	Lajes Field	$8,450,000

SEC. 302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

AIR FORCE: FAMILY HOUSING

State or Country	Installation	Purpose	Amount
California	Beale Air Force Base.	Housing office	$306,000
	March Air Force Base.	320 units	$23,351,000
Florida	Patrick Air Force Base.	250 units	$16,000,000
Georgia	Moody Air Force Base.	Housing maintenance facility.	$290,000
	Robins Air Force Base.	55 units	$3,153,000
Louisiana	Barksdale Air Force Base.	Housing maintenance and storage facility.	$443,000
New Mexico	Cannon Air Force Base.	361 units	$32,951,000
	Cannon Air Force Base.	Housing office	$480,000
North Dakota	Minot Air Force Base.	Housing maintenance and storage facility.	$286,000
South Carolina	Shaw Air Force Base.	Housing office	$351,000
Utah	Hill Air Force Base	82 units	$6,353,000
Portugal	Lajes Field	Water wells	$865,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $7,457,000.

SEC. 303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $227,824,000.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,383,242,000.

(1) For military construction projects inside the United States authorized by section 301(a), $506,410,000.

(2) For military construction projects outside the United States authorized by section 301(b), $59,040,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $90,948,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, $367,446,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $95,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $322,110,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $942,288,000 of which not more than $150,800,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE IV—DEFENSE AGENCIES

SEC. 401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 402(a)(1) and, in the case of the projects described in paragraphs (2), (3), and (4) of section 402(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: INSIDE THE UNITED STATES

Agency	Installation or location	Amount
Defense Logistics Agency.	Defense Reutilization and Marketing Office, March Air Force Base, California.	$630,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah.	$1,700,000
	Defense General Supply Center, Richmond, Virginia.	$12,400,000
Defense Medical Facility Office.	March Air Force Base, California	$18,000,000
	Walter Reed Army Medical Center, District of Columbia.	$147,300,000
	Fort Leonard Wood, Missouri	$3,000,000
	Fort Bragg, North Carolina	$250,000,000
	Millington Naval Air Station, Tennessee.	$15,000,000
Defense Nuclear Agency.	Eglin Air Force Base, Florida	$64,000,000
National Security Agency.	Fort Meade, Maryland	$6,700,000
Strategic Defense Initiative Organization.	Barking Sands, Hawaii	$5,400,000
	Grand Forks Air Force Base, North Dakota.	$12,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 402(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: OUTSIDE THE UNITED STATES

Agency	Installation or location	Amount
Defense Medical Facilities Office.	Classified Location	$8,000,000
Defense Nuclear Agency	Johnston Island	$1,500,000
Department of Defense Dependent Schools.	Grafenwoehr, Germany	$7,400,000
	Hohenfels, Germany	$13,500,000
National Security Agency	Classified Locations	$6,000,000
On-Site Inspection Agency	Johnston Island	$4,600,000
Strategic Defense Initiative Organization.	Kwajalein	$22,000,000

SEC. 402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,696,168,000 as follows:

(1) For military construction projects inside the United States authorized by section 401(a) $116,200,000.

(2) For military construction projects outside the United States authorized by section 401(b) $63,000,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 401(a) of the Military Construction Authorization Act, 1987, as amended, $27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 401(a) of the Military Construction Authorization Act for fiscal years 1990 and 1991, $16,000,000.

(5) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $41,114,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $65,818,000.

(8) For conforming storage facilities constructed under the authority of section 2404(a) of the Military Construction Authorization Act, 1987, as amended, $3,580,000.

(9) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $440,700,000.

(10) For base closure and realignment activities as authorized by the Defense Realignment and Closure Act of 1990, section 2092 of the National Defense Authorization Act for Fiscal Year 1991, (Public Law 101-510, Stat. 1810), $1,743,600,000.

(11) For repair of real property authorized by section 2805 of title 10, United States Code, $140,756,000.

(12) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $28,400,000, of which not more that $23,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1993 for military construction functions of the defense agencies that remain available for obligation on the date of enactment of this Act are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 401(a) for the Defense Logistics Agency.

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 401 may not exceed—

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $134,000,000 (the balance of the amount authorized for construction of the Walter Reed Institute of Research, District of Columbia);

(3) $32,000,000 (the balance of the amount authorized for the construction of the Climatic Test Chamber at Eglin Air Force Base, Florida); and

(4) $240,000,000 (the balance of the amount authorized for construction of the Army Medical Center at Fort Bragg, North Carolina).

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 501, in the amount of $221,200,000.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

SEC. 601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, repair of real property, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $46,700,000; and

(B) for the Army Reserve, $31,500,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $37,772,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $173,270,000; and

(B) for the Air Force Reserve, $52,880,000.

TITLE VII— EXPIRATION OF AUTHORIZATIONS

SEC. 701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, IV, V, and VI for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1996 for military construction contracts, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 702. EFFECTIVE DATES.

Titles I, II, III, IV, V, and VI shall be in effect as of October 1, 1992 or the date of enactment of a Military Construction Authorization Act for fiscal year 1993, whichever is later.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. SCOPE OF CHAPTERS; DEFINITIONS.

(a) REVISION IN MILITARY CONSTRUCTION ACTIVITIES.—Section 2801(a) of title 10, United States Code, is amended—

(1) by inserting "alteration, repair," after "conversion,"; and

(2) by inserting ", costing over $15,000 and which extends the useful life of a facility," after "kind".

(b) CONFORMING DEFINITION.—Section 2801(c) of title 10, United States Code, is amended—

(1) by inserting the following new subsection (3):

"(3) The phrase which extends the useful life of a facility means any work that goes beyond preserving the physical structure of a facility or its support systems."; and

(2) by redesignating paragraphs (3) and (4) of subsection (c) as paragraphs (4) and (5) of subsection (c), respectively.

SEC. 802. UNSPECIFIED MINOR CONSTRUCTION AND REPAIR.

(a) IN GENERAL.—Section 2805 of title 10, United States Code, is amended by inserting in the title "and repair" after "construction".

(b) MILITARY CONSTRUCTION FUNDING.—Section 2805(a)(1) of title 10, United States Code, is revised to read as follows:

"(a)(1) Except as provided in paragraph (2), within an amount equal to 125 percent of the amount authorized by law for such purpose, the Secretary concerned may carry out military construction not otherwise authorized by law. Military construction authorized by this section is (A) a minor military construction project for a single undertaking at a military installation that has an approved cost equal to or less than $1,500,000 or (B) a repair project costing more than $15,000 that extends the useful life of a facility.".

(c) OPERATION AND MAINTENANCE FUNDING.—Section 2805(c)(1) of title 10, United States Code, is amended—

(1) by inserting "minor" after "carry out an unspecified";

(2) by inserting "or repair project" after "construction project";

(3) by striking "$300,000" and inserting in lieu thereof "$15,000"; and

(4) by inserting at the end of subsection (c)(1) the following: "Unspecified minor construction projects and repair projects at facilities funded by working capital funds established pursuant to section 2208 of this title may be funded by the working capital funds and shall not be subject to the dollar limitation prescribed in this paragraph.".

(d) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended to read:

"2805. Unspecified minor construction and repair.".

SEC. 803. RENOVATION OF FACILITIES.

(a) REPEAL.—Section 2811 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2811.

SEC. 804. LIMITATION ON CERTAIN PROJECTS; AUTHORITY TO CARRY OUT SMALL PROJECTS WITH OPERATIONS AND MAINTENANCE FUNDS.

Section 2233a(b) of title 10, United States Code, is amended by striking "$300,000" and inserting in lieu thereof "$15,000".

SEC. 805. EMERGENCY CONSTRUCTION.

Section 2803(b) of title 10, United States Code, is amended by striking "21-day" and inserting in lieu thereof "5-day".

SEC. 806. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) UNDER 1988 ACT.—Section 207(a)(2)(B) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended to read as follows:

"(B) any funds that the Secretary may transfer to the Account: (i) from funds appropriated to the Department of Defense for any purpose, or (ii) from funds contained in the Account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510). The Secretary shall transmit written notice of, and justification for, such transfers to the appropriate committees of Congress; and".

(b) UNDER 1990 ACT.—Section 2906(a)(2)(B) of the Department of Defense Authorization Act, 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended to read as follows:

"(B) any funds that the Secretary may transfer to the Account: (i) from funds appropriated to the Department of Defense for any purpose, or (ii) from funds contained in the Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526). The Secretary shall transmit written notice of, and justification for, such transfers to the congressional defense committees; and".

(c) FUNDING LIMITATION UNDER 1988 ACT.—Section 207(a)(3)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended to read as follows:

"(A) The Secretary may use the funds in the account only for the purposes described in section 204.".

(d) FUNDING LIMITATION UNDER 1990 ACT.—Section 2906(b)(1) of the Defense Authorization Act, 1991 (Public Law 100-510; 10 U.S.C. 2687 note) is amended to read as follows:

"(1) The Secretary may use the funds in the account only for the purposes described in section 2905.".

(e) TREATMENT OF UNOBLIGATED FUNDS UNDER 1988 ACT.—Section 207(a) (5) and (6) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) are amended by striking "the authority of the Secretary to carry out a closure or realignment under this title" and inserting in lieu thereof "environmental restoration, community economic adjustment assistance, and disposal of property at bases selected for closure under this part.".

(f) TREATMENT OF UNOBLIGATED FUNDS UNDER 1990 ACT.—Section 2906(b) (2) and (3) of the Department of Defense Authorization Act, 1991 (Public Law 100-510; 10 U.S.C. 2687 note) are amended by striking "after the termination of the Commission" and inserting in lieu thereof "after the termination of environmental restoration, community economic adjustment assistance, and disposal of property at bases selected for closure under this part.".

SEC. 807. USE OF PROCEEDS FROM THE TRANSFER OR DISPOSAL OF COMMISSARY STORE FACILITIES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 102 Stat. 2629; 10 U.S.C. 2687 note; as amended by section 344(a) of Public Law 102–190, 105 Stat. 1344) is amended by striking "equal to the total amount of the funds so used" and inserting in lieu thereof "obtained from the sale or transfer of property on that installation equal to the depreciated value of the investment made with such funds.".

(b) BASE CLOSURES UNDER 1990 ACT.—(1) Section 2906(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1815; 10 U.S.C. 2687 note; as amended by section 344(b)(1) of Public Law 102–190, 105 Stat. 1345) is amended by striking "equal to the total amount of the funds so used" and inserting in lieu thereof "obtained from the sale or transfer of property on that installation equal to the depreciated value of the investment made with such fund.".

(2) Section 2921(d) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1819; 10 U.S.C. 2687 note; as amended by section 344(b)(2) of Public Law 102–190, 105 Stat. 1345) is amended by striking "equal to the value of the improvements carried out with nonappropriated funds" and inserting in lieu thereof "obtained from the sale or transfer of property on that installation equal to the depreciated value of the investment made with such funds".

SEC. 808. EXCHANGE OF CERTAIN REAL PROPERTY FOR REPLACEMENT FACILITIES, TUSTIN, CALIFORNIA.

(a) IN GENERAL.—Notwithstanding section 2905(b) of Public Law 101–510 and subject to subsections (b) through (d) of this section, the Secretary of the Navy may convey, through one or more transactions, all right, title, and interest of the United States in and to a tract of real property consisting of approximately 1,250 acres and comprising the operations portion of Marine Corps Air Station (MCAS), Tustin, California. The operations portion of MCAS Tustin is that portion of the installation other than family housing, related personnel support facilities, and Armed Forces Reserve Center. The transfer of the property shall be by competitive procedures and at not less than the fair market value of the property, as determined by the Secretary of the Navy.

(b) CONSIDERATION AND USE OF PROCEEDS.—(1) In consideration for the conveyance authorized by subsection (a), the transferee shall provide construction of new facilities and renovations of existing facilities at Marine Corps Base/MCAS Camp Pendleton or Marine Corps Air Ground Combat Center, Twentynine Palms, or the remaining portion of MCAS, Tustin, California, or any combination of these locations, as determined by the Secretary of the Navy to be necessary to support the remaining portion of MCAS Tustin and the missions of the Marine Aircraft Groups and supporting units being relocated or composited as a result of the conveyance authorized by subsection (a).

(2) If the combined value of the renovations and newly constructed facilities is less than the fair market value of the property conveyed pursuant to subsection (a), the transferee shall make a cash payment to the United States of an amount equal to the difference.

(3) All payments received under subsection (b)(2) shall be paid into the "Department of Defense Base Closure Account 1990" established by section 2906 of Public Law 101–510.

(c) EXPIRATION OF AUTHORITY.—(1) The authority provided by this section shall expire twelve months from the date of enactment of this section into law, unless the Secretary determines: (A) that there is a reasonable likelihood of executing an agreement accomplishing the conveyance authorized by subsection (a) within an additional period not to exceed twelve months: and (B) that further efforts to effect the conveyance authorized by this section are in the best interests of the United States. Upon such a determination, the authority provided by this section may be extended for an additional period not to exceed twelve months.

(2) Upon the expiration of the authority provided by this section, the closure of the operations portion of MCAS Tustin shall proceed as a closure under the provision of the "Defense Base Closure and Realignment Act of 1990" title XXIX of Public Law 101–510.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The exact acreage and legal descriptions of lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(2) All renovations and new construction obtained under this section shall be performed to commercial standards to the maximum extent feasible.

(3) The authority provided by this section shall be exercised without regard to any other provision of law relating to the transfer of real property, except for section 9620 of title 42, United States Code.

(4) Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 809. HOMEOWNERS ASSISTANCE PROGRAM.

Section 2832 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) Notwithstanding subsection (i) of section 1013 of the Act referred to in subsection (a), the Secretary may transfer, from any funds available for obligation by the Department of Defense to the fund established pursuant to subsection (d) of that Act, such sums as the Secretary determines are necessary to provide assistance under that Act to persons eligible for assistance under that Act. Any funds so transferred shall be available for obligation and expenditure under the same conditions as funds appropriated to such fund.".

SEC. 810. REAL PROPERTY TRANSACTIONS: REPORTS TO THE ARMED SERVICES COMMITTEES.

Section 2662 of title 10, United States Code, is amended by adding a new subsection (f):

"(f) The reporting requirements of subsections (a), (b), and (e) are waived under the provisions of this subsection in the event of a declaration of war; in the event of a declaration of a national emergency by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.); or for real property transactions required in connection with a contingency operation, as defined by section 101 of this title. Each Secretary of a military department who exercises the waiver authority under this subsection shall report within 30 days to the Committees on Armed Services of the Senate and the House of Representatives on each transaction entered into without the prior congressional notification otherwise required by this section.".

SEC. 811. CONSISTENCY IN BUDGET DATA.

Section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (title XXVIII of Public Law 102–190; 105 Stat. 1290) is amended—

(1) in subsection (a)—

(A) by striking "each military construction project" and inserting in lieu thereof "construction costs resulting from closing or realigning each installation"; and

(B) by striking "project" and inserting in lieu thereof "construction";

(2) in subsection (b)—

(A) by striking "a military construction project" and inserting in lieu thereof "construction"; and

(B) by striking "of the cost of the project";

(3) in subsection (c)(1)—

(A) by striking "project" and inserting in lieu thereof "request"; and

(B) by striking "for the project";

(4) in subsection (c)(2) by striking "project" and inserting in lieu thereof "request";

(5) in subsection (c)(2)(A) by striking "in the case of that project" and "of the project"; and

(6) in subsection (c)(2)(B) by striking "project" and inserting in lieu thereof "construction".

SEC. 812. CONSTRUCTION AUTHORITY IN THE EVENT OF A DECLARATION OF WAR, NATIONAL EMERGENCY, OR CONTINGENCY OPERATION.

Section 2808 of title 10, United States Code, is amended—

(1) by amending the heading of such section to read as follows:

"§ 2808. Construction authority in the event of a declaration of war, national emergency, or contingency operation";

(2) by striking the first sentence of subsection (a) and inserting in lieu thereof the following: "In the event of a declaration of war, the declaration by the President of a national emergency in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.) that requires the use of the Armed Forces, or a declaration of a contingency operation by the Secretary of Defense in accordance with section 101 of this title, the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments and the commanders of the unified and specified commands to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the Armed Forces,"; and

(3) the item in the table of sections at the beginning of such chapter relating to section 2808 is amended to read as follows:

"2808. Construction authority in the event of a declaration of war, national emergency, or contingency operation.".

SEC. 813. AUTHORIZED COST VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) by inserting at the end thereof the following new subsection:

"(e) This section does not apply to minor construction projects or repair projects authorized by section 2805 of this title,"; and

(2) by striking from subsection (a) "subsection (c) or (d)" and inserting in lieu thereof "subsection (c), (d), or (e)".

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, February 24, 1992.

Hon. J. DANFORTH QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize certain construction at military installations for Fiscal Year 1992, and for other purposes." This legislative proposal is needed to carry out the President's Fiscal Year 1993 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

This proposal would authorize appropriations in Fiscal Year 1993 for new construction, repair of real property, and family housing support for the Active Forces, Defense Agencies, NATO Infrastructure Program, and Guard and Reserve Forces. The proposal establishes the effective dates for the program and contains the general provisions.

An identical letter has been sent to the Speaker of House of Representatives.

Sincerely,

TERRENCE O'DONNELL.●

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 2629. A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1993

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1993".

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TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the Army as follows:

For aircraft, $1,219,259,000.
For missiles, $982,298,000.
For weapons and tracked combat vehicles, $623,441,000.
For ammunition, $823,600,000.
For other procurement, $3,093,508,000.

SEC. 102. NAVY AND MARINE CORPS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the Navy as follows:

For aircraft, $6,653,679,000.
For weapons, including missiles and torpedoes, $3,718,950,000.
For shipbuilding and conversion, $5,319,472,000.
For other procurement, $5,868,813,000.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the Marine Corps in the amount of $588,546,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the Air Force as follows:

For aircraft, $10,928,701,000.
For missiles, $5,378,708,000.
For other procurement, $8,346,588,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for procurement for the Defense Agencies in the amount of $2,146,935,000.

SEC. 105. DEFENSE INSPECTOR GENERAL

Funds are hereby authorized to be appropriated for procurement for fiscal year 1993 for the Defense Inspector General in the amount of $800,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of $526,400,000.

SEC. 107. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR PROCUREMENT OF RESERVE EQUIPMENT.

Section 114(e) of title 10, United States Code, is repealed.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation, as follows:

For the Army, $5,414,477,000.
For the Navy, $8,517,778,000.
For the Air Force, $14,532,375,000.
For the Defense Agencies, $10,348,071,000, of which—

(i) $281,707,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation);

(ii) $12,983,000 is authorized for the Director of Operational Test and Evaluation; and

(iii) $2,500,000 is authorized for Chemical Agents and Munitions Destruction, Defense.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the

Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, $15,419,100,000.
For the Navy, $20,728,500,000.
For the Marine Corps, $1,607,500,000.
For the Air Force, $17,581,000,000.
For the Defense Agencies, $9,033,000,000.
For Medical Programs, Defense, $9,507,457,000.
For the Army Reserve, $990,300,000.
For the Naval Reserve, $852,700,000.
For the Marine Corps Reserve, $74,700,000.
For the Air Force Reserve, $1,215,723,000.
For the Army National Guard, $2,134,100,000.
For the Air National Guard, $2,552,624,000.
For the National Board for the Promotion of Rifle Practice, $2,700,000.
For the Defense Inspector General, $125,200,000.
For Drug Interdiction and Counter-drug Activities, Defense, $1,263,400,000.
For the Court of Military Appeals, $5,900,000.
For Environmental Restoration, Defense, $901,200,000.
For Humanitarian Assistance, $13,000,000.
For Chemical Agents and Munitions Destruction, Defense, $269,400,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $1,123,800,000.

(2) For the National Defense Sealift Fund, $1,201,400,000.

SEC. 303. PROVIDE EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR DEFENSE INSPECTOR GENERAL.

Section 127 of title 10, United States Code is amended—

(a) in subsection (a)—

(1) by amending the first sentence by inserting ", the Defense Inspector General," immediately after "the Secretary of Defense"; and

(2) by amending the second and third sentences by inserting "or the Defense Inspector General" immediately after "the Secretary concerned"; and

(b) by amending subsection (b) by inserting ", by the Defense Inspector General to any person in the Office of the Inspector General," immediately after "the Department of Defense".

SEC. 304. REPEAL OF CEILING ON EMPLOYEES IN HEADQUARTERS AND NON-MANAGEMENT HEADQUARTERS AND SUPPORT ACTIVITIES.

(a) Section 194 of title 10, United States Code, is repealed.

(b) The table of sections at the beginning of Chapter 8 of such title is amended by striking out the item relating to section 194.

SEC. 305. REPEAL OF REQUIREMENT FOR REQUIREMENT FOR STATUTORY GUIDELINES FOR FUTURE REDUCTIONS OF CIVILIAN EMPLOYEES OF INDUSTRIAL-TYPE OR COMMERCIAL-TYPE ACTIVITIES.

(a) Section 1597 of title 10, United States Code, is repealed.

(b) The table of sections at the beginning of Chapter 81 is amended by striking out the item relating to section 1597.

SEC. 306. NATIONAL DEFENSE STOCKPILE AND TRANSACTION FUND MANAGEMENT IMPROVEMENTS.

(a) Sections 3301(d) and 3302 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) are repealed.

(b) During fiscal year 1992 and thereafter, sales of stockpiled material in the National Defense Stockpile Transaction Fund may be made in amounts not to exceed $1,000,000,000 in any fiscal year. Receipts from such sales and available fund balances may be transferred, subject to appropriations, to any appropriation available to the Department of Defense to be merged with and to be available for the same purposes and same time period as the appropriation to which transferred.

(c) When determined to be necessary by the Secretary of Defense, the Secretary may impose a moratorium on the acquisition of new material for the National Defense Stockpile for the purpose of reducing existing excess material in the Stockpile.

(d) Except to the extent provided in advance in Appropriations Acts, none of the funds available in the National Defense Stockpile Transaction Fund may be obligated or expended to finance any grant or contract to conduct research, development, test, and evaluation activities for the development or production of advanced materials.

SEC. 307. NATIONAL DEFENSE SEALIFT FUND.

(a) SHORT TITLE.—This section may be cited as the "National Defense Sealift Improvement Act".

(b) NATIONAL DEFENSE SEALIFT FUND.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section 2218:

"§ 2218. National Defense Sealift Fund

"(a) There is established on the books of the Treasury a fund entitled the "National Defense Sealift Fund".

"(b) The Secretary of Defense shall administer the Fund, consistent with the provisions of this section.

"(c) The Secretary of Defense may obligate and expend funds from the Fund for—

(1) research and development relating to national defense sealift;

(2) construction, purchase, lease, alteration, conversion, or operation and maintenance of sealift vessels for national defense purposes; and

(3) such other purposes relating to national defense sealift as may be authorized by law.

"(d)(1) There is authorized to be appropriated to the Fund such sums as may be necessary.

(2) All receipts from the disposition of national defense sealift vessels, excluding receipts form the sale, exchange, or scrapping of National Defense Reserve Fleet vessels under sections 508 or 510 of the Merchant Marine Act of 1936 (46 App. U.S.C. 1158, 1160), shall be deposited in the Fund.

(3)(A) The Secretary of Defense may accept from any person, foreign government, or international organization any contribution of money, real or personal property, or assistance in kind for support of the sealift functions of the Department of Defense.

(B) Any contribution of property accepted under subparagraph (A) may be retained and used by the Department of Defense or disposed of in accordance with procedures established by the Secretary of Defense. Any real property accepted under subparagraph A shall be disposed of in accordance with the Federal Property and Administrative Service Act of 1949, as amended.

(C) The Secretary of Defense shall deposit in the Fund money and receipts from the disposition of any property accepted under subparagraph (A).

(4) Funds deposited into the Fund shall not be made available for obligation or expenditure except to the extent and in the manner provided in subsequent appropriation Acts.

(5) Amounts transferred, deposited, credited, or appropriated to the Fund shall remain available until expended.

"(e) As used in this section—

(1) the term 'Fund' means the fund established by this section; and

(2) the term 'national defense sealift vessels' means—

(A) Department of Defense-owned fast sealift ships, maritime prepositioning ships, afloat prepositioning ships, aviation maintenance support ships, hospital ships, tanker ships, and such other ships owned by the Department of Defense as the Secretary of Defense may designate; and

(B) National Defense Reserve Fleet vessels, including Ready Reserve Force vessels, maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).".

(c) FAST SEALIFT PROGRAM RECEIPTS.—Receipts from the charter of vessels under section 1424(c) of Public Law 101-510 (104 Stat. 1683) shall be deposited in the National Defense Sealift Fund, established by this Act.

(d) AUTHORIZATION OF FUNDING.—To the extent provided in advance in appropriations Acts, the Secretary of Defense may transfer to the National Defense Sealift Fund not to exceed $1,875,100,000 from unobligated balances of appropriations made for fiscal years 1990, 1991, and 1992 under the heading "Shipbuilding and Conversion, Navy".

(e) TITLE OR MANAGEMENT OF VESSELS.—Nothing in this Act shall be construed to affect or modify title to or management of any vessel in the National Defense Reserve Fleet, or assigned to its Ready Reserve Force component, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).

(f) CONFORMING AND CLERICAL AMENDMENTS.—(1) The item relating to section 11(b) of the Act of March 8, 1946 (50 App. U.S.C. 1744(b)) in section 307(12) of Public Law 101-225 (103 Stat. 1908) is repealed.

(2) Section 11(b) of the Act of March 8, 1946 (50 App. U.S.C. 1744(b)) as that section was in effect on December 11, 1989, is reenacted.

(3) The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended by adding after the item relating to section 2217 the following new items:

"2218. National Defense Sealift Fund.".

(g) EFFECTIVE DATE.—The amendment made by subsection (b) of this section shall be effective December 12, 1989.

TITLE IV—PERSONNEL AUTHORIZATIONS FOR FISCAL YEAR 1993

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The armed forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:

(1) The Army, 598,900.
(2) The Navy, 535,800.
(3) The Marine Corps, 181,900.
(4) The Air Force, 449,900.

PART B—RESERVE FORCES

SEC. 402. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 383,100.
(2) The Army Reserve, 257,500.
(3) The Naval Reserve, 125,800.
(4) The Marine Corps Reserve, 38,900.
(5) The Air National Guard of the United States, 119,200.

(6) The Air Force Reserve, 82,200.
(7) The Coast Guard Reserve, 12,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 403. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,637.
(2) The Army Reserve, 12,152.
(3) The Naval Reserve, 20,926.
(4) The Marine Corps Reserve, 2,130.
(5) The Air National Guard of the United States, 9,131.
(6) The Air Force Reserve, 636.

SEC. 404. INCREASE IN MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—Effective on October 1, 1992, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	288	14
E–8	2,585	429	808	74".

(b) OFFICERS.—Effective on October 1, 1992, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	617	75
Colonel or Navy Captain	372	188	259	25".

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 405. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1993, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 60,269.
(2) The Navy, 51,405.
(3) The Marine Corps, 19,016.
(4) The Air Force, 27,971.
(5) The Army National Guard of the United States, 10,529.
(6) The Army Reserve, 12,583.
(7) The Naval Reserve, 1,892.
(8) The Marine Corps Reserve, 3,418.
(9) The Air National Guard of the United States, 3,048.
(10) The Air Force Reserve, 1,529.

(b) ADJUSTMENTS.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

TITLE V—GENERAL PROVISIONS

SEC. 501. INCREASE THE PHYSICAL EXAMINATION REQUIREMENT FOR MEMBERS OF THE READY RESERVE FROM EVERY FOUR YEARS TO EVERY FIVE YEARS.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out "four" and inserting in lieu thereof "five".

SEC. 502. NATIONAL GUARD

(a) SHORT TITLE.—This section may be cited as "The National Guard Amendments of 1992."

(b) CLARIFICATION OF INCLUSION OF FEMALE WARRANT OFFICERS AND ENLISTED MEMBERS OF THE NATIONAL GUARD IN THE MILITIA.—Section 311 of title 10, United States Code, is amended by inserting ", warrant officers, or enlisted members" after "commissioned officers".

(c) REPEAL OF REQUIREMENT FOR PHYSICAL EXAMINATION.—

(1) ARMY NATIONAL GUARD.—(A) Section 3502 of title 10, United States Code, is hereby repealed; and

(B) the table of sections at the beginning of Chapter 341 is amended by striking out the item relating to section 3502.

(2) AIR NATIONAL GUARD.—(A) Section 8502 of title 10, United States Code, is hereby repealed; and

(B) the table of sections at the beginning of Chapter 841 is amended by striking out the item relating to section 8502.

(d) INCREASE IN TIME ALLOWED FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30" in the second sentence and inserting in lieu thereof "90".

(e) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF CERTAIN TECHNICIANS.—Subsection 709(e)(6) of title 32, United States Code, is amended to read as follows:

"(6) a technician shall be notified in writing of the termination of employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or voluntarily has ceased to be a member of the National Guard when such membership is a condition of employment, such notice shall be given at least 30 days before the termination date of such employment.".

(f) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS WHO MAY BE EMPLOYED AT ANY ONE TIME.—Subsection 709(h) of title 32, United States Code, is hereby repealed.

(g) AUTHORIZATION FOR UNSERVICEABILITY FINDINGS BY NATIONAL GUARD OFFICERS.—Subsection 710(f) of title 32, United States Code, is amended by striking out "Regular Army or the Regular Air Force," and inserting in lieu thereof "Regular Army or a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States, or by a commissioned officer of the Regular Air Force, or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States,".

SEC. 503. PAY AND ALLOWANCES

(a) WAIVER OF SECTION 1009 ADJUSTMENTS.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1993 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1993, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.7 percent.

SEC. 504. REPEAL OF THE REQUIREMENT FOR THE SECRETARY OF DEFENSE TO SUBMIT AN ANNUAL REPORT TO CONGRESS ENTITLED "UNITED STATES EXPENDITURES IN SUPPORT OF NATO".

Section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985 (Public Law 98–525, 98 Stat. 2575) is hereby repealed.

SEC. 505. CHANGE OF THE SPECIAL ACCESS PROGRAMS REPORTING DATE FROM FEBRUARY 1 OF EACH YEAR TO MARCH 1 OF EACH YEAR.

Sections 119(a)(1) and (b)(1) of title 10, United States Code, are amended by striking out "February 1" inserting in lieu thereof "March 1".

SEC. 506. LEASE OF EQUIPMENT FOR INTERNATIONAL SHOWS AND EXHIBITS.

(a) LEASES OF DEFENSE PROPERTY FOR DISPLAY OR DEMONSTRATION AT INTERNATIONAL SHOWS, TRADE EXPOSITIONS, OR TO FOREIGN GOVERNMENTS.—(1) Section 2667 of title 10, United States Code, is amended by adding at the end the following new subsection (g):

"(g) Notwithstanding clause (4) of Subsection (b), where the lease is for defense equipment for display or demonstration at international shows or other trade exhibitions or to foreign governments and the lessee is the manufacturer of the defense equipment, the lease shall be for such consideration and include terms and conditions that the Secretary of Defense determines will promote the national defense or will be in the public interest.".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective with regard to any leases entered into under the authority of section 2667 of title 10, United States Code, after the date of enactment of this Act.

SEC. 507. ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) AUTHORITY TO ACQUIRE LOGISTICS SUPPORT, SUPPLIES, AND SERVICES FOR ELEMENTS OF THE ARMED SERVICES OUTSIDE THE UNITED STATES.—Section 2341 of title 10, United States Code, is amended—

(1) in subsection (1) by striking out "deployed in Europe and adjacent waters"; and

(2) in subsection (2)

(A) by striking out "in which elements of the armed forces are deployed (or are to be deployed)"; and

(B) by striking out "deployed (or to be deployed) in such country or in the military region in which such country is located".

(b) LIMITATIONS ON AMOUNTS THAT MAY BE OBLIGATED OR ACCRUED BY THE UNITED STATES.—Section 2347 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "the North Atlantic Treaty Organization" and inserting in lieu thereof "United States armed forces"; and

(B) by inserting "with other North Atlantic Treaty Organization countries and sub-

sidiary bodies," after "(before the computation of offsetting balances)";

(2) in subsection (a)(2)—

(A) by striking out "in the military region affecting" and inserting in lieu thereof "involving United States armed forces, the total amount of reimbursable liabilities that the United States may accrue under this subchapter (before the computation of offsetting balances) with"; and

(B) by striking out "the total amount of reimbursable liabilities that the United States may accrue under this subchapter before the computation of offsetting balances with such country";

(3) in subsection (b)(1)—

(A) by striking out "North Atlantic Treaty Organization" and inserting in lieu thereof, "United States armed forces"; and

(B) by inserting "with other North Atlantic Treaty Organization countries and subsidiary bodies," after "(before the computation of offsetting balances)"; and

(4) in subsection (b)(2)—

(A) by striking out "in the military region affecting a country referred to in paragraph (1)" and inserting in lieu thereof "involving United States armed forces"; and

(B) by inserting "with a country which is not a member of the North Atlantic Treaty Organization, but with which the United States has one or more cross-servicing agreements," after "(before the computation of offsetting balances)".

(c) EFFECTIVE DATE.—The amendments made by this Section shall be effective with regard to the acquisition of logistics support, supplies, and services under Chapter 138 of title 10, United States Code, that are initiated after the date of enactment of this Act.

SEC. 508. AUTHORIZATION FOR THE DEPARTMENT OF DEFENSE TO SHARE EQUITABLY THE COSTS OF CLAIMS ARISING OUT OF THE PERFORMANCE OF INTERNATIONAL ARMAMENTS COOPERATIVE PROGRAMS.

(a) AMENDMENT TO THE ARMS EXPORT CONTROL ACT.—The second sentence of section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)) is amended by inserting ", and costs of claims" after "administrative costs".

(b) AMENDMENT TO TITLE 10.—Section 2350a(c) of title 10, United States Code, is amended—

(1) by inserting "including the costs of claims" after "project"; and

(2) by inserting "including the costs of claims" after "administrative costs".

SEC. 509. EXTENSION OF VARIOUS EXPIRING LAWS (1992).

(a) AVIATION OFFICER RETENTION BONUS.—(Section 301(b) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(b) SPECIAL UNIT ASSIGNMENT PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—(Section 1016(d) of the Department of Defense Authorization Act, 1984 (Public Law 98-94, 97 Stat. 668, 10 U.S.C. 3360 note), as amended by section 503(c) of Public Law 101-189, 103 Stat. 1352, 1437, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(d) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof in each instance "September 30, 1995".

(e) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Section 3380(d) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(f) AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.—Section 5721(f) of title 10, United States Code, is hereby repealed.

(g) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—(Section 2172(d) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(h) ACCESSION BONUS FOR REGISTERED NURSES.—(1) Section 302d(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(2) Section 2130a(a) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(i) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37 United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(j) SPECIAL PAY FOR REENLISTMENT BONUSES.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(k) SPECIAL PAY FOR ENLISTMENT BONUS.—Section 308a(c) United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(l) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308g(h), 308h(g), and 308i(i) of title 37, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(m) EXTENSION OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(n) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVE.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989, Public Law 100-456, 102 Stat. 1981, as amended by section 616 of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, 104 Stat. 1578, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(o) EXTENSION OF THE MAJOR DEFENSE ACQUISITION PILOT PROGRAM.—Section 809(h) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1595) is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 2001".

SEC. 510. REVISION TO THE STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

(a) SHORT TITLE.—This Section may be cited as the "Strategic and Critical Materials Stock Piling Revision Act of 1992".

(b) REVISION TO THE STRATEGIC AND CRITICAL STOCK PILING ACT.—The Strategic and Critical Stock Piling Act (50 U.S.C. 98-98h-7) is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Strategic and Critical Materials Stockpiling Act'.

"PURPOSE

"SEC. 2. (a) It is the purpose of this Act to provide for the identification, acquisition and retention of stocks of certain strategic and critical materials.

"(b) The quantity of materials to be stockpiled under this Act shall be sufficient to meet the needs of the United States during a time of national emergency requiring significant mobilization of the economy under the planning assumptions used by the Secretary of Defense under section 4(b) of this Act.

"(c) The purpose of the National Defense Stockpile is to serve the interests of national defense only. The National Defense Stockpile is not to be used for economic purposes.

"DETERMINATIONS: MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE

"SEC. 3. (a) The President shall determine—

"(1) which materials are strategic and critical materials for the purposes of this Act, and

"(2) the quality, quantity, and form of each such material to be acquired and stored.

"(b) The stockpile shall consist of the following materials:

"(1) Materials contained in the National Defense Stockpile as of the date of enactment of this Act.

"(2) Materials acquired under this Act after the date of enactment of this Act.

"(3) Materials acquired by the United States under the provisions of section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093) and transferred to the stockpile pursuant to subsection (f) of such section.

"(4) Materials transferred to the United States under Section 663 of the Foreign Assistance Act of 1961 (22 U.S.C. 2423) that have been determined to be strategic and critical materials for the purposes of this Act and that are allocated by the President under subsection (b) of such section for stockpiling in the stockpile.

"(5) Materials acquired by the Commodity Credit Corporation and transferred to the stockpile under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

"(6) Materials acquired by the Commodity Credit Corporation under paragraph (2) of section 103(a) of the Act entitled "An Act to provide for greater stability in agriculture; to augment the marketing and disposal of agricultural products; and for other purposes," approved August 28, 1954 (7 U.S.C. 1743(a)) and transferred to the stockpile under the third sentence of such section.

"(7) Materials transferred to the stockpile under subsection (c).

"(c) Notwithstanding any other provision of law, any material that is—

"(1) under the control of any department or agency of the United States,

"(2) determined by the head of such department or agency to be excess to its needs and responsibilities, and

"(3) required for the stockpile shall be transferred to the stockpile. Any such transfer shall be made with full reimbursement at market value at the time of transfer to such department or agency, and all costs required to effect such transfer shall be paid or reimbursed from funds appropriated to carry out this Act.

"REPORT ON STOCKPILE REQUIREMENTS

"SEC. 4. (a) Not later than January 31 of every other year, the President shall submit

to Congress a report on stockpile requirements. Each such report shall include—

"(1) the President's recommendations with respect to stockpile requirements; and

"(2) the matters required under subsection (b) of this section.

"(b) Each report under this section shall be based on the national security planning guidance contained in the President's annual National Security Strategy Report and shall set forth the national emergency planning assumptions used in determining the stockpile requirements recommended by the President. Assumptions to be set forth include assumptions relating to—

"(1) length and intensity of the assumed emergency;

"(2) the military force structure to be mobilized;

"(3) losses from enemy action;

"(4) military, industrial, and essential civilian requirements to support the national emergency;

"(5) the availability of supplies of strategic and critical materials from foreign sources, taking into consideration possible shipping losses;

"(6) domestic production of strategic and critical materials; and

"(7) civilian austerity measures.

"(c) The President shall submit with each report under this section a statement of plans for meeting the recommendations set forth in the report.

"(d) The stockpile requirements as provided in the report become effective thirty (30) calendar days after submission as provided in subsection (a) of this section. If, at any time, the President proposes either a new requirement or a significant change in the requirements for the stockpile as provided in the most recent report submitted under subsection (a) of this section, the President shall provide written notice to the Committees on Armed Services of the Senate and House of Representatives at least thirty (30) calendar days prior to the date the new or changed requirements become effective.

"MULTIYEAR MATERIALS PLAN AND OPERATIONS REPORT

"SEC. 5. (a) Not later than January 31 of each year, the President shall submit to the Congress a Materials Plan setting forth plans for the next fiscal year and the succeeding four fiscal years and an annual report detailing the operations of the stockpile for the preceding fiscal year.

"(b) The Materials Plan shall include—

"(1) details of all planned expenditures from the National Defense Stockpile Transaction Fund during such period (including expenditures to be made from appropriations from the general fund of the Treasury) and of anticipated receipts from proposed disposals of stockpile materials during such period;

"(2) details regarding proposed materials development and research contracts under clause (2)(F) of section 8(b) of this Act during the fiscal years covered by the report. With respect to each such proposed contract, the report shall specify the amount planned to be expended from the fund, the material intended to be developed, the potential military or defense industrial applications for that material, and the development and research methodologies to be used; and

"(3) any proposed expenditure or disposal detailed in the Materials Plan, or in any significant change in a plan submitted to Congress under paragraph (2) of section 7(a) of this Act for the preceding or current fiscal year, that was not obligated or executed in that fiscal year and that is being carried over to the succeeding fiscal year.

"(c) The annual operations report shall include—

"(1) information with respect to foreign and domestic purchases of materials during the preceding fiscal year;

"(2) information with respect to the acquisition and disposal of materials under this Act by barter during the preceding fiscal year;

"(3) information with respect to the research and development contracts under clause (2)(F) of section 8(b) of this Act;

"(4) a statement and explanation of the financial status of the National Defense Stockpile Transaction fund and the anticipated appropriations to be made to the fund and obligations to be made from the fund during the next fiscal year;

"(5) a summary of any waivers granted under section 6(d) of this Act; and

"(6) such other pertinent information on the administration of this Act as will enable Congress to evaluate the effectiveness of the program.

"STOCKPILE MANAGEMENT

"SEC. 6. (a) The President shall—

"(1) acquire the materials determined under section 3(a) of this Act to be strategic and critical materials;

"(2) provide for the proper and environmentally sound handling, storage, security, maintenance, and disposal of materials in the stockpile;

"(3) provide for the upgrading, refining or processing of any material in the stockpile (notwithstanding the requirement established for such material under section 4 of this Act) when necessary to convert such material into a form more suitable for storage, subsequent disposition, or use in a national emergency;

"(4) provide for the rotation of any material in the stockpile when necessary to prevent deterioration of such materials by replacement of such material with an equivalent quantity of substantially the same material or better material;

"(5) provide for the timely disposal of materials in the stockpile that—

"(A) are excess to stockpile requirements, or

"(B) may cause a loss to the Government if allowed to deteriorate or become obsolete; and

"(6) in accordance with subsection 7(b) of this Act,

dispose of materials in the stockpile.

"(b) Except as provided in subsections (c) and (d) of this section, acquisition of strategic and critical materials under this Act shall be in accordance with Federal procurement practices, and, except as provided in subsections (c) and (d) of this section and in section 9 of this Act, disposal of materials from the stockpile shall be made by sealed bidding or competitive proposals. To the maximum extent feasible—

"(1) competitive procedures shall be used in the acquisition and disposal of such materials; and

"(2) efforts shall be made in the acquisition and disposal of such materials to avoid undue disruption of the usual markets of producers, processors, and consumers of such materials and to protect the United States against avoidable loss.

"(c)(1) The President shall encourage the use of barter in the acquisition and disposal of strategic and critical materials under clauses (1), (5) or (6) of subsection (a) of this section when practical and in the best interest of the United States.

"(2) Any materials in the stockpile which are in excess of requirements shall be available for transfer at fair market value as payment for expenses (including transportation and other incidental expenses) of acquisition of materials or of disposing of, upgrading, refining, processing, or rotating, materials under this Act.

"(3) Notwithstanding any other provision of law, the President may barter a portion of the same or related materials to finance upgrading, refining or processing of a material in the stockpile to convert that material into a form more suitable for storage, subsequent disposition or immediate use in a national emergency.

"(4) To the extent otherwise authorized by law, property owned by the United States may be bartered for materials needed for the stockpile.

"(d) The President may waive the applicability of any provision of the first sentence of subsection (b) of this section to any acquisition or disposal of material from the stockpile upon a written determination that a waiver is necessary to obtain terms more favorable to the government than would be obtained without a waiver.

"(e) The President may acquire interests in personal and real property for storage, security and maintenance of materials in the stockpile.

"(f) The President may loan stockpile materials to Federal agencies when such loans are in the interest of national defense.

"AUTHORITY FOR STOCKPILE OPERATIONS

"SEC. 7. (a)(1) Funds appropriated for acquisition of any materials under this Act and for transportation and other incidental expenses related to such acquisition shall remain available until expended.

"(2) If, during any fiscal year, the President proposes a significant change in an expenditure or disposal in the Materials Plan required to be submitted to Congress under section 5(b) of this Act, or a significant expenditure or disposal not included in that Plan, no funds may be obligated or expended for that transaction until the President has submitted a full statement of the changed or new transaction to the Committees on Armed Services of the Senate and House of Representatives and a period of thirty (30) calendar days have elapsed from the date of the receipt of such statement by the committees.

"(b)(1) Except for disposals made under the authority of clauses (3), (4) or (5) of section 6(a) of this Act or section 9(a) of this Act, disposals from the stockpile may be made only if such disposal, including the quantity of the material to be disposed of, has been included in the Materials Plan, Congress has been notified pursuant to paragraph (2) of subsection (a) of this section, or the disposal has otherwise been authorized by law.

"(2) Unless otherwise authorized by law, disposals in any one fiscal year shall not exceed $1 billion. This disposal limit shall be adjusted annually in accordance with the Consumer Price Index.

"(c) There is authorized to be appropriated such sums as may be necessary to provide for the transportation, processing, refining, upgrading, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile. Funds appropriated shall remain available to carry out the purposes for which appropriated until expended.

"(d) Any proposed expenditure or disposal detailed in the Materials Plan for any fiscal year, and any proposed changed or new expenditure or disposal submitted for such fiscal year to the appropriate committees of Congress pursuant to paragraph (2) of section

7(a) of this section, that is not obligated or executed in that fiscal year, may be carried over to the materials plans for subsequent fiscal years.

"NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

"SEC. 8. (a) There is established in the Treasury of the United States a separate fund to be known as the National Defense Stockpile Transaction Fund (the 'fund').

"(b)(1) All moneys received from the sale, rotation or disposal of materials in the stockpile under clauses (4), (5) and (6) of section 6(a) of this Act or section 9(a) of this Act shall be covered into the fund.

"(2) Moneys covered into the fund are hereby made available for—

(A) the acquisition of strategic and critical materials under clause (1) of section 6(a) of this Act;

(B) the development of current specifications of stockpile materials and the upgrading of existing stockpile materials to meet current specifications (including, when economical, transportation related to such upgrading);

(C) the testing and quality studies of stockpile materials;

(D) the studying future material and mobilization requirements for the stockpile;

(E) the contracting for materials development and research to—

(i) improve the quality and availability of materials stockpiled from time to time in the stockpile; and

(ii) develop new materials for the stockpile;

(F) the purchasing or making a commitment to purchase strategic and critical materials of domestic origin when such materials are needed for the stockpile;

(G) the contracting with domestic facilities or making a commitment to contract with domestic facilities for the upgrading, refining or processing of materials in the stockpile when necessary to convert such materials into a form more suitable for storage, and subsequent disposition or use in a national emergency.

"(3) Moneys covered into the Fund are, subject to appropriations, hereby made available for operations of the Defense National Stockpile.

"(c) If, during a fiscal year, the President barters materials in the stockpile for the purpose of acquiring, upgrading, refining, or processing other materials (or for services directly related to that purpose), the contract value of the materials so bartered shall—

"(1) be applied toward the total value of materials that are authorized to be disposed of from the stockpile during that fiscal year;

"(2) be treated as an acquisition for purposes of satisfying any requirement imposed on the President to enter into obligations during that fiscal year; and

"(3) not increase or decrease the balance in the fund.

"(d) The authorities under paragraph (2) of subsection (b) of this section may be exercised by means of multiyear contracts which may be under such terms and conditions, including advance payments, as the President considers necessary.

"SPECIAL DISPOSAL AUTHORITY OF THE SECRETARY OF DEFENSE

"SEC. 9. (a) Materials in the stockpile may be released for use, sale or other disposition—

"(1) on the order of the President, at any time the President determines the release of such materials is required for purposes of the national defense; and

"(2) in time of war declared by the Congress or during a national emergency, on the order of any officer or employee of the United States designated by the President to have authority to issue disposal orders under this subsection, if such officer or employee determines that the release of such materials is required.

"(b) Any order issued under subsection (a) of this section shall be promptly reported by the President in writing to the Committee on Armed Services of the Senate and House of Representatives of the United States Congress.

"NATIONAL DEFENSE STOCKPILE MANAGER

"SEC. 10. (a) The President shall designate a single Federal office to have responsibility for performing the functions of the President under this Act.

"(b) The individual holding the office designated by the President under subsection (a) of this section shall be known for purposes of functions under this Act as the 'National Defense Stockpile Manager.'

"(c) The President may delegate functions under this Act (other than those under section 9 of this Act) to the National Defense Stockpile Manager. Any such delegation made by the President shall remain in effect until specifically revoked by the President.

"MATERIALS DEVELOPMENT AND RESEARCH

"SEC. 11. (a)(1) The President shall make scientific, technologic, and economic investigations concerning the development, mining, preparation, treatment, and utilization of ores and other mineral substances that—

(A) are found in the United States, or in its territories or possessions,

(B) are essential to the national defense, industrial, and essential civilian needs of the United States, and

(C) are found in known domestic sources in inadequate quantities or grades.

"(2) Such investigations shall be carried out in order to—

(A) determine and develop new domestic sources of supply of such ores and mineral substances;

(B) devise new methods for the treatment and utilization of lower grade reserves of such ores and mineral substances; and

(C) develop substitutes for such essential ores and mineral products.

"(3) Investigations under paragraph (1) of this subsection may be carried out on public lands and, with the consent of the owner, on privately owned lands for the purpose of exploring and determining the extent and quality of deposits of such minerals, the most suitable methods of mining and beneficiating such minerals, and the cost at which the minerals or metals may be produced.

"(b) The President shall make scientific, technologic and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 3(a) of this Act to be a strategic and critical material or substitute therefor.

"(c) The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

"(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b) of this section) determined pursuant to section 3(a) of this Act to be strategic and critical materials; and

"(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such material into a form more suitable for use during an emergency or for storage.

"(d) The President shall encourage the conservation of domestic sources of any material determined pursuant to section 3(a) of this Act to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

"(1) substitutes for such material; or

"(2) more efficient methods of production or use of such material.

"ADVISORY COMMITTEES

"SEC. 12. (a) The President may appoint one or more advisory committees composed of individuals with expertise relating to materials in the stockpile or with expertise in stockpile management to advise the President with respect to the acquisition, transportation, processing, refining, storage, security, maintenance, rotation, and disposal of such materials under this Act.

"(b) Each member of an advisory committee established under subsection (a) of this section, while serving on the business of the advisory committee away from such member's home or regular place of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons intermittently employed in the Government service.

"DEFINITIONS

"SEC. 13. For the purpose of this Act:

"(a) The term 'strategic and critical materials' means materials that—

"(1) would be needed to supply the military, industrial and essential civilian needs of the United States during a national emergency, and

"(2) are not found or produced in the United States in sufficient quantities to meet such need.

"(b) The term 'national emergency' means a general declaration of a national emergency made by the President or by the Congress.

"(c) The term 'significant change,' as used in section 4(d) of this Act and paragraph (2) of section 7(a) of this Act, means a change that would result in—

"(1) an increase or decrease in the value of the requirement or in the amount of the transaction in excess of $50 million, or

"(2) an increase or decrease of 25 percent in the value of the requirement or in the amount of the transaction—

whichever is less.".

SEC. 511. REPEAL OF CHROMIUM AND MANGANESE ORES CONVERSION REQUIREMENT.

Sections 9110 of the Department of Defense Appropriations Act, 1987 (Public Law 99-500, 100 Stat. 1783-120 and Public Law 99-591, 100 Stat. 3341) and section 3205 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661, 100 Stat. 4068) are repealed.

SEC. 512. REVISION OF CERTAIN STRATEGIC AND CRITICAL MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

(a) REVISION OF QUANTITIES OF MATERIALS STOCKPILED.—

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98b(c)(4)), the National Defense Stockpile Manager may revise quantities of materials to be stockpiled under that Act in accordance with table A below.

TABLE A

Materials	Unit	Current quantity	Revised quantity
Aluminum metal	ST	700,000	0

TABLE A—Continued

Materials	Unit	Current quantity	Revised quantity
Aluminum oxide, abrasive grain.	ST	374,000	0
Aluminum oxide, fused crude	ST	0	0
Analgesics	AMA LB	130,000	0
Antimony	ST	88,500	0
Asbestos, amosite	ST	0	0
Asbestos, chrysotile	ST	3,000	0
Bauxite, metal grade, Jamaica and Surinam.	LDT	27,100,000	0
Bauxite, refractory	LCT	1,240,000	69,000
Beryl ore	ST	18,000	0
Beryllium copper master alloy	ST	7,900	0
Beryllium metal	LB	400	400
Bismuth	LB	1,060,000	0
Cadmium	LB	11,700,000	0
Chromite, chemical and metallurgical grade ore.	SDT	3,875,000	34,000
Chromite, refractory grade ore	SDT	695,000	159,000
Chromium, ferro	ST	350,000	621,204
Chromium, metal	ST	20,000	26,835
Cobalt	LB CO	85,400,000	40,446,597
Columbium group	LB CB	12,520,000	11,126,841
Copper	ST	1,000,000	0
Cordage fibers, abaca	LB	155,000,000	0
Cordage fibers, sisal	LB	60,000,000	0
Diamonds, industrial, dies, small.	KT	60,000	0
Fluorspar, acid grade	SDT	900,000	0
Fluorspar, metallurgical grade	SDT	310,000	0
Germanium	KG	146,000	68,198
Graphite, natural, Ceylon, Amorphous lump.	ST	6,300	13,477
Graphite, natural, Malagasy, crystalline.	ST	14,200	0
Graphite, natural, other than Ceylon Malagasy.	ST	1,930	0
Indium	TR OZ	1,350,000	248,846
Industrial diamond stones	KT	7,700,000	3,000,000
Iodine	LB	5,800,000	0
Jewel bearings	PC	120,000,000	84,000,000
Lead	ST	1,,100,000	0
Manganese ore, chemical and metallurgical grades.	SDT	2,870,000	0
manganese, battery grade, natural ore.	SDT	25,000	0
Manganese, battery grade, synthetic dioxide.	SDT	25,000	0
Manganese, ferro	ST	439,000	209,074
Manganese, metal, electrolytic.	ST	0	0
Mercury	FL	10,500	0
Mica, muscovite film, 1st and 2nd qualities.	LB	90,000	20,000
Mica, muscovite splittings	LB	12,630,000	0
Mica, muscovite block, stained and better.	LB	2,500,000	301,000
Mica, phlogopite block	LB	210,000	316,518
Mica, phlogopite splittings	LB	930,000	0
Molybdenum	LB	0	0
Nickel	ST	200,000	0
Platinum group metals, iridium.	TR OZ	86,000	14,454
Platinum group metals, palladium.	TR OZ	2,150,000	0
Platinum group metals, platinum.	TR OZ	1,310,000	240,351
Platinum group metals, rhodium.	TR OZ	30,000	0
Platinum group metals, ruthenium.	TR OZ	65,000	0
pyrethrum	LB	500,000	0
Quartz crystals, natural	LB	240,000	0
Quartz crystals, synthetic	LB	0	1,589,405
Quinidine	AV OZ	10,100,000	0
Quinine	AV OZ	4,500,000	0
Rayon	LB	3,000,000	0
Rubber, natural	LT	864,000	417,779
Rutile	ST	106,000	0
Sapphire and ruby	KT	0	0
Sebacic acid	LB	8,800,000	0
Silicon carbide	ST	29,000	0
Silver	TR OZ	0	0
Talc	ST	0	0
Tantalum group	LB TA	8,400,000	8,727,098
Thorium nitrate	LB	600,000	0
Tin	MT	42,700	0
Titanium	ST	195,000	53,315
Tungsten group	LB W	70,900,000	30,976,038
Vanadium group	ST V	8,700	0
Vegetable tannin, chestnut	LT	5,000	0
Vegetable tannin, quebracho	LT	28,000	0
Vegetable tannin, wattle	LT	15,000	0
Zinc	ST	1,425,000	0

(b) MATERIALS IN THE STOCKPILE AUTHORIZED TO BE DISPOSED.—The National Defense Stockpile Manager may dispose of such materials in the National Defense Stockpile as are authorized previously for disposal by any other law, or, in the case of materials in the National Defense Stockpile that have been determined by the Stockpile Manager to be excess to the current requirements of the stockpile, in accordance with the materials and quantities listed in accordance with table B below.

TABLE B

Materials		Quantity
Aluminum	ST	62,800
Aluminum oxide, abrasive	ST	51,022
Aluminum oxide, fused crude	ST	249,867
Analgesics	AMA LB	68,703
Antimony	ST	36,018
Asbestos, chrysotile	ST	3,004
Bauxite, metallurgical Jamaican	LDT	12,457,740
Bauxite, metallurgical Surinam	LDT	5,299,597
Bauxite, refractory	LCT	207,067
Beryl ore	ST	17,729
Beryllium copper master alloy	ST	7,387
Bismuth	LB	1,825,955
Cadmium	LB	6,328,570
Chromite chemical grade	SDT	208,414
Chromite metallurgical grade	SDT	1,511,356
Chromite refractory	SDT	232,414
Chromium ferro	ST	576,526
Cobalt	LB CO	12,741,489
Copper	ST	29,651
Diamond industrial bort	KT	4,001,344
Diamond dies small	PC	25,473
Diamond stones	KT	2,422,075
Fluorspar acid grade	SDT	892,856
Fluorspar metallurgical grade	SDT	410,822
Germanium	KG	715
Graphite natural malagasy	ST	10,573
Graphite natural other	ST	2,803
Iodine	LB	5,835,022
Jewel bearings	PC	51,778,337
Lead	ST	601,053
Manganese battery grade natural	SDT	68,226
Manganese battery grade synthetic	SDT	3,011
Manganese ferro	ST	938,285
Manganese metallurgical grade	SDT	1,627,425
Manganese metal	ST	14,172
Mercury	FL	128,026
Mica phlogopite splittings	LB	963,251
Nickel	ST	37,214
Platinum—iridium	TR OZ	15,136
Platinum—palladium	TR OZ	1,264,601
Platinum—platinum	TR OZ	212,290
Quartz crystals, natural	LB	400,000
Rutile	SDT	39,186
Sapphire and ruby	KT	16,305,502
Sebacic acid	LB	5,009,697
Silicon carbide	ST	28,774
Silver (coins)	TR OZ	83,951,492
Tin	MT	141,278
Tungsten	LB W	39,959,096
Vanadium	ST	721
Vegetable tannin, chestnut	LT	4,976
Vegetable tannin, quebracho	LT	28,832
Vegetable tannin, wattle	LT	14,998
Zinc	ST	378,768

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, April 17, 1992.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is forwarded herewith legislation, "To authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes."

This legislative proposal is part of the Department of Defense legislative program for the 102nd Congress and is needed to carry out the President's fiscal year 1993 amended budget plan. The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of this proposal for the consideration of the Congress.

Title I provides procurement authorization for the Military Departments and for the Defense Agencies in amounts equal to the new budget authority included in the President's amended budget for fiscal year 1993. It also includes a provision providing for the repeal of the requirement for a separate budget request for the procurement of Reserve equipment which is contained in section 114(e) of title 10, United States Code.

Title II provides for the authorization of the research, development, test, and evaluation appropriations for the Military Departments and Defense Agencies in amounts equal to the new budget authority included in the President's amended budget for fiscal year 1993.

Title III provides for authorization of the operation and maintenance appropriations of the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's amended budget for fiscal year 1993. Title III also includes appropriations for the purpose of providing capital for working-capital and revolving funds of the Department of Defense in amounts equal to the budget authority included in the President's amended budget for fiscal year 1993.

In addition to the foregoing, Title III also contains the following provisions. Section 303 amends sections 127 of title 10, United States Code, pertaining to emergency and extraordinary expenses, to add provisions covering the Defense Inspector General. Section 304 repeals the ceiling on employees in headquarters and non-management headquarters support activities contained in section 194 of title 10. Section 305 repeals the requirement contained in section 1597 of title 10 for guidelines for future reductions of civilian employees of industrial-type or commercial-type activities. Section 306 repeals provisions contained in sections 3301(d) and 3302 of the fiscal year 1992 and 1993 Authorization Act which impede efficient and prudent management of the National Defense Stockpile Transaction Fund and contains provisions that will enhance the management of the Fund. Section 307 establishes the National Defense Sealift Fund to provide for the effective acquisition, maintenance, and operation of sealift for the armed forces, and for other purposes.

Title IV prescribes the personnel strengths for the active forces and the Selected Reserve of each service in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's amended budget for fiscal year 1993. This title also prescribes the end strengths for reserve component members on full-time active duty or full-time National Guard duty for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components. Finally, Title IV provides for the average military training student loads in the numbers provided for this purpose in the President's amended budget for fiscal year 1993.

Title V consists of twelve general provisions. Section 501 amends section 1004 of title 10, to require physical examination for members of the ready reserve every five years rather than every four. Section 502 amends titles 10 and 32 to eliminate unnecessary restrictions on personnel procedures and to provide greater flexibility in the training, management, and mobilization of the National Guard.

Section 503 waives the adjustments of compensation requirements in section 1009 of title 37, and provides for a 3.7 percent increase in basic pay, basic allowance for quarters (BAQ), and basic allowance for subsistence (BAS) for members of the uniformed services.

Section 504 repeals section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985, Public Law 98-525, 98 Stat. 2492, which requires the Secretary of Defense to submit to Congress an annual report entitled *United States Expenditures in Support of NATO*. The conclusions drawn from this report are misleading in that expenditures for scenarios outside of NATO are attributed in

many instances to expenditures in support of NATO. Section 505 amends section 119 of title 10 to change the special access programs reporting date from February 1 of each year to March 1 of each year. The concurrent submission of the special access report with the budget does not allow sufficient time to prepare and coordinate the report.

Section 506 amends section 2667 of title 10 to provide the Secretary of Defense flexibility in the lease of defense equipment for display or demonstration at international shows and trade exhibitions or to foreign governments. Section 507 amends Chapter 138 of title 10 to provide deployed United States Armed Forces the authority to acquire logistics support, supplies and services without geographic restriction and to remove the limitations on the amounts that may be obligated or accrued during a period of active hostilities involving United States Armed Forces. Section 508 amends section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)) and section 2350a of title 10, to authorize the Department of Defense to share equitably the costs of claims arising out of the performance of international armaments programs.

Section 509 extends various laws that expire in fiscal year 1992.

Section 510 amends the Strategic and Critical Stockpiling Act to clarify the responsibilities and authorities of the President. Section 511 repeals sections 9110 of the Department of Defense Appropriations Act, 1987, Public Law 99-500, 100 Stat. 1783-120 and Public Law 99-591, 100 Stat. 3383, and section 3205 of the National Defense Authorization Act for Fiscal Year 1987, Public Law 99-661, 100 Stat. 4068, to terminate the requirement to convert chromium and manganese held in the National Defense Stockpile into high carbon ferrochromium and high carbon ferromanganese. Present stocks are sufficient for future contingencies. Section 512 revises the stockpile requirements for certain strategic and critical materials in the National Defense Stockpile.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

CHESTER PAUL BEACH, Jr.,
Acting General Counsel.

SECTIONAL ANALYSIS

Section 501 amends section 1004(a)(1) of title 10, United States Code, to require a physical examination for members of the Ready Reserve every five years rather than every four.

Section 1004(a)(1) currently requires each member of the Ready Reserve not on active duty to receive a physical examination every four years, or more often as the Secretary concerned considers necessary. Although there is no similar statutory requirement for active duty members, the military departments by regulation require periodic examinations. For example, the Army and the Air Force require, with some exceptions, that active duty members undergo a physical examination every five years.

The requirement that all Ready Reserve members have a physical every four years is costly and unnecessary for readiness purposes. There is no reason to impose a stricter standard on Ready Reserve members than on active duty members. Both active duty and reserve commanders have the authority to require members of their command to submit to a physical examination whenever they believe a member is physically unfit to perform duties. Also, under this proposal, the Secretary concerned could require categories of personnel to receive physical examinations more frequently than every five years.

This proposal will provide the reserve components with the flexibility that the active components now have and enable them to adopt policies consistent with the active components.

Section 502 amends titles 10 and 32, United States Code to eliminate unnecessary restrictions on personnel procedures and to provide greater flexibility in the training, management and mobilization of the National Guard.

Subsection (a) cites the short title of the bill as "The National Guard Amendments of 1992."

Subsection (b) amends section 311(a) of title 10 to insure that female warrant officers and enlisted members of the National Guard are included in the militia. Section 311(a) provides that the militia of the United States includes all able-bodied males between 17 and 45 years of age, and certain males over 45, who are or have declared their intention to become citizens, and female officers of the National Guard. Female warrant officers and enlisted members of the National Guard are not explicitly included. This exclusion leaves open the question as to whether a call to federal service of the militia can include these female members of the National Guard. Even in states which explicitly include such members in the militia, it is not clear whether such members are subject to a call to federal service. The resulting uncertainty clouds the legal status of these members and the validity of any acts performed while in federal status. It may also affect their liability and eligibility for tort protection and benefits. There are over 21,000 enlisted female members of the Army National Guard and over 12,000 enlisted female members of the Air National Guard. Units called into federal service without female enlisted and warrant officer personnel would, in varying degrees, have serious deficiencies in staffing.

Subsection (c) repeals sections 3502 and 8502 of title 10 to terminate the requirement for physical examinations for each member of the Army or Air National Guard called into and mustered out of federal service. For short periods of service, this may require two complete physicals during a period of days or weeks. In view of other statutory requirements for periodic medical examinations and physical condition certifications, such as section 1004 which requires physicals at least once every four years or as often as the Secretary concerned believes is necessary, section 3502 and 8502 examinations are administratively burdensome, expensive, and unnecessary, and could impede the rapid and efficient mobilization of the National Guard. There is no corresponding requirements for physical examinations when other reserve components are ordered to active duty.

Subsection (d) amends section 502(b) of title 32 which requires that all elements of a unit participate in a training assembly within a period of thirty consecutive days. This thirty-day window deprives commanders of flexibility in planning for specialized training opportunities that benefit individuals members or parts of units, such as officer candidate schools and team training in remote areas. It also hinders the performance of specialized staff functions such as legal or medical services. The proposed amendment would expand the training assembly window to ninety days.

Subsection (e) amends section 709(e)(6) of title 32 to eliminate the requirement that a written notice of termination of employment be given thirty days in advance to National Guard technicians who serve under temporary appointments, are serving in the trial or probationary period, or who voluntarily cease to be National Guard members. While career employees are entitled to reasonable expectations of job continuity, extension of the entitlement to the enumerated groups is contrary to sound management practices. Appointees hired to fill temporary positions are aware that the appointment may be terminated at any time for reasons such as a lack of unsatisfactory performance. Technicians who voluntarily relinquish National Guard membership are aware that in doing so they are relinquishing their employment as technicians. A thirty-day notice is unnecessary in this case because the technician controls the termination date by his voluntary action. The right to thirty days notice for technicians in these circumstances is not afforded to other federal employees, and no sound reason exists for special rights of this nature for technicians.

Subsection (f) amends section 709(h) of title 32 to repeal the statutory limit (53,100) on the number of National Guard technicians who may be employed at one time. This number has not been changed in fifteen years, is far less than anticipated future needs, and does not reflect the expansion of the National Guard's role in the total force concept. In lieu of an absolute ceiling, Congress should control technician manning through the annual authorization and appropriation process.

Subsection (g) amends subsection 710(h) of title 32 which requires that findings of unserviceability of property issued by the United States to the National Guard be made by commissioned officers of the Regular Army or Air Force. Such determinations are necessary before this property may be disposed of. There are insufficient numbers of such officers within the states adequately to perform this function and their use for this purpose is expensive and time consuming. The proposed amendment would allow a disinterested commissioned officer of the Army or Air National Guard who is also a commissioned officer of the Army National Guard of the United States or the Air National Guard of the United States to make a fair wear and tear determination. Section 508 amends section 1121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, Public Law 100-180, 101 Stat. 1019, to delete the reference to the DoD Directive governing polygraph examinations, to delineate personnel for examination under the Department of Defense Counterintelligence Program and to authorize additional polygraph examinations.

Section 503 waives the adjustments of compensation requirements of section 1009, title 37, United States Code in subsection (a) and provides for a 3.7 percent increase in the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters for members of the uniform services, effective January 1, 1993 in subsection (b).

Subsection 504 repeals section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985, Public Law 98-525, 98 Stat. 492, to relieve the Secretary of Defense from the requirement of relating to the Congress, on an annual basis, a report entitled *United States Expenditures in Support of NATO*. The Department is required to provide a detailed report

to Congress by April 1 of each year of the status and cost of the United States forces for NATO as reflected in the Defense Planning Questionnaire (DPQ) response, and in the defense budget request. This report is to cover expenditures projected to be made in the current fiscal year, and in each of the following six fiscal years for forces committed to or earmarked for NATO in the DPQ in the following categories: (A) Procurement, (B) Operations and maintenance, (C) Military construction, (D) Military personnel, and (E) Research, development, test, and evaluation. Separate breakouts for all classes of the United States forces reflected in the data are also to be made for: (A) Europe deployed, (B) Early reinforcements for NATO, (C) Later reinforcements, (D) Strategic reserves, (E) Strategic forces, (F) Intelligence and communications, (G) Asia deployed, and (H) Reinforcements for Asia.

While we have sought to be responsive to the expressed Congressional requirements, these requirements dictate serious limitations and inaccuracies in the report, brought about by the incorrect assumption that United States forces and their costs can be uniquely apportioned to a single scenario or contingency, ignoring other conflict scenarios that are equally alike.

U.S. forces defend American security interests worldwide. Assigning their costs to specific geographical regions or purposes is always arbitrary, since the forces could be deployed to any region where U.S. security interests are at stake. The mandated *United States Expenditures in Support of NATO* report, however, compels the Department to report the full cost of all military units formally pledged to respond to a NATO contingency, without thought for other regions or duties to which those units might also be assigned. The recent deployment of forces to Operation Desert Shield/Storm illustrates the extent of this error. Almost all U.S. forces that participated in the Persian Gulf conflict also are committed to NATO in the DPQ. Indeed, the entire Army VII Corps, which permanently is stationed in Europe, was temporarily transferred to the Persian Gulf. Yet, the Department is required to assign the cost of these forces, and all their supporting costs, to a single region and purpose—NATO.

The reporting requirement was established during a decade when the threat that dominated U.S. defense planning was a Soviet attack on Western Europe that could escalate into a global war. While the specific requirements were inherently flawed, the report did address an appropriate issue. Now, in the post-Cold War era, the United States no longer sizes its forces mainly to meet a worldwide Soviet threat. Instead, regional scenarios are now the focus of U.S. defense planning.

In light of the above, the Department requests that the statutory responsibility to prepare the report required by section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985, be repealed by enactment of this section.

Section 505 amends section 119 of title 10, United States Code, to change the special access programs reporting date from February 1 of each year to March 1 of each year. The requested change makes the report follow the submission of the President's budget. The concurrent submission of the special access report with the budget does not allow sufficient time to prepare and coordinate the report.

Section 506 amends section 2667 of title 10, to provide the Secretary of Defense flexibility in the lease of defense equipment for display or demonstration at international shows and trade exhibitions or to foreign governments.

The Department of Defense considers that commonality of defense equipment among friendly foreign nations furthers the national defense. To promote this important objective through demonstration of defense equipment at international shows or trade exhibits or to foreign governments, the Secretary of Defense must have the necessary flexibility to lease defense equipment back to the manufacturers of that equipment upon such terms and conditions and for such consideration as the Secretary determines, on a case-by-case basis, will further the national defense.

However, the National Defense Authorization Act for Fiscal Years 1992 and 1993, included a provision, section 2862, that limits the Secretary's flexibility in this area. Specifically, section 2862 amended section 2663 of title 10, United States Code, to require that any lease of real or personal property provide for the payment (in cash or in kind) of consideration in an amount not less than the fair market value of the lease interest, as determined by the Secretary. The purpose of this change was to expand upon the Department's authority to enter into leases of real property in which the lessee provided improvements to the real property in return for the lease. The language, however, is not limited to leases of real property and therefore will lead to increased leasing costs by defense equipment manufacturers, which in turn will have a detrimental impact upon the international competitiveness of U.S. defense products and thereby our national security.

Section 596 would permit the Secretary to lease defense equipment to the manufacturers for such consideration and upon such terms and conditions as the Secretary determines will further the national defense.

Section 507 amends chapter 138 of title 10 to provide deployed United States Armed Forces the authority to acquire logistics support, supplies and services without geographic restriction, to remove the limitations on the amounts that may be obligated or accrued during a period of active hostilities involving United States Armed Forces, and for other purposes.

Chapter 138 of title 10, United States Code, currently authorizes the acquisition of logistic support, supplies, and services from NATO countries and NATO subsidiaries when elements of the United States Armed Forces are deployed in Europe or its adjacent waters and, under various circumstances, from certain non-NATO countries. This proposal would remove the geographic limitation to that authority to allow United States Armed Forces located anywhere in the world to acquire logistics support from such countries.

While current law enhances international logistics cooperation and is helpful in avoiding costly duplication of logistic services, geographic deployment limitations significantly reduce its utility. Currently, acquisitions from NATO sources are authorized under section 2341(1) of title 10 only when United States forces are deployed in Europe or its adjacent waters. The benefits of this section are not available when United States forces are involved in deployments or exercise outside of Europe.

One of the lessons we learned from the Persian Gulf Conflict was that the chapter 138 authority needs to be expanded. Because NATO as an organization was not involved in the conflict and the conflict occurred outside of Europe, the geographic limitations remained in effect and logistic arrangements authorized by chapter 138 were unavailable. Section 1451 of the National Defense Authorization Act of 1991 (Public Law 101-510; 104 Stat. 1692) removed the geographic limitations for cross-servicing agreements authorized under section 2342 of chapter 138 but did not remove geographic limitations for the acquisition of logistic support.

This section would amend section 2347 of chapter 138 to remove the dollar limitations on amounts that may be obligated or accrued. These limitations, applicable to both NATO and those non-NATO nations not geographically located in the Persian Gulf region, remained in effect during the Persian Gulf conflict. The Persian Gulf conflict was relatively short with substantial logistics support provided by the allies outside the acquisition process. Had the operation been longer, the dollar and geographic limitations would have caused an increase in the deployment requirements which would have further strained the deployment schedule and been of serious concern.

The geographic restrictions and preconditions currently in sections 2341 and 2347 of title 10, United States Code, are inconsistent with anticipated scenarios for field exercises and possible United States involvement in hostilities. They also are inconsistent with efforts to encourage military cooperation with the United States Armed Forces in transit and with the efficient use of common resources. This section would correct such inconsistencies.

Section 508 amends section 27(c) of the Arms Export Control Act (22 U.S.C. 2767c) and section 2350a of title 10, United States Code, to authorize the Department of Defense to share equitably the costs of claims arising out of the performance of international armaments cooperative programs. Such programs are conducted under the authority of 22 U.S.C. 2767, 10 U.S.C. 2350a, and 10 U.S.C. 2350d. Currently, the third party claims liability provisions contained in Article VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (NATO SOFA) dated 19 June 1951 are applicable to such agreements. The change proposed by this section would permit the Secretary of Defense to negotiate, when in the best interests of the Department of Defense, alternative procedures for handling such third party claims.

The Department has been inhibited in finalizing some proposed armaments cooperation memoranda of understanding (MOUs) because of the objections of several of our allies to accept the application of the NATO SOFA claims provisions. Their objection is primarily based on the fact that, under Article VIII the host (receiving) country must pay a significant portion, usually 25 percent, of any claim that arises regardless of fault. The sending nation must pay 75 percent. This claims distribution formula applies regardless of the cost sharing arrangements for the programs that have been negotiated between the nations.

Our allies contend that such a claims scheme is inconsistent with the cooperative intent and cost sharing nature of such armaments cooperation programs. We agree. All other program costs are shared equitably by the participating nations generally in proportion to each nation's cost contributions to the program. This proposal would make it clear that the Department of Defense may agree to pay the cost of claims in accordance with the cost sharing formula of the program

or in accordance with any other equitable formula that is negotiated by the participating nations.

The claims will continue to be processed and paid as they are now under 28 U.S.C. 2672, 10 U.S.C. 2734a, 10 U.S.C. 2734b and other appropriate claims statutes. This section authorizes equitable sharing of claims but does not require any change in the method of processing or paying claims.

Section 509 extends various laws that expire in fiscal year 1992.

Section 510 amends the Strategic and Critical Stock Piling Act (50 U.S.C. 98 to 98h–7) to clarify the responsibilities and authorities of the President. Section 510 basically is a total revision to this Act.

Subsection (a) of this section states that the short title of the section is the "Strategic and Critical Materials Stockpiling Act of 1992."

Subsection (b) amends that Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98098h—7) to the following extent:

It states the purpose of the Act is to identify, acquire and retain stocks of certain strategic and critical materials.

Section 2(b) of the revision states that the quantity of material to be stockpiled shall be sufficient to meet the needs of the U.S. during a time of national emergency. It eliminates the requirement in the current statute that stockpile planning be based on a global conventional war. The full continuum of crisis possibilities—regional as well as global must be considered in arriving at National Defense Stockpile requirements.

Section 3(a) of the revision provides that the President shall determine which materials are strategic and critical and the quality, quantity and form of the material to be acquired and stored.

Section 3(b) of the revision describes the material to be included in the Stockpile. It deletes obsolete references in section 4(a) (1), (2), (3), and (8) of the current law.

Section 3(c) of the revision provides that any transfer of excess material from another Federal agency shall be made with full reimbursement to the transferring agency. The value shall be the market value at the time of the transfer. All costs necessary to effect the transfer will be borne from Stockpile funds.

Section 3 revises of current sections 3(a), 3(b) and 4.

Sections 4 (a), (b) and (c) of the revisions, dealing with the report on stockpile requirements, correspond to current section 14 with minor editorial changes.

Section 4(a) of the revision requires a biennial report to Congress on the President's recommendations for stockpile requirements.

Section 4(b) states that the report shall be based on the national security planning guidance contained in the President's annual national security strategy report and shall set forth the national emergency planning assumptions used.

Section 4(c) provides that the requirements report be accompanied by a statement of plans for meeting the new requirements.

Section 4(d) streamlines the approval process for new requirements or significant changes in stockpile requirements by permitting the changes to become effective after thirty days after written notice has been submitted to the Committees on Armed Services of the Senate and House of Representatives. Section 4(d) corresponds to current section 3(c).

Section 5(a) of the revision requires a five-year materials plan setting forth plans for the next fiscal year and the succeeding four years and an annual report detailing operations for the preceding years.

Section 5(b) sets forth the information to be included in the materials plan.

Section 5(c) sets forth the information to be included in the annual operations plan.

Section 5(b) and (c) of the revision are virtually identical to section 11 of the current law, with minor modifications to conform to other changes in the legislation.

Section 6 of the revision relates to stockpile management.

Section 6(a) sets forth the requirements to acquire, store, upgrade, maintain, and dispose of materials in the stockpile.

Section 6(b) requires that acquisitions be in accordance with Federal procurement practices to the maximum extent feasible and that disposals be made by sealed bidding or competitive proposals.

Section 6(c) encourages the use of barter in the acquisition and disposal of material when practical and in the best interest of the Government.

Section 6(d) permits the President to waive the requirements of section 6(b) for acquisition or disposal of material upon a written determination that a waiver is necessary to obtain terms more favorable to the Government than could otherwise be obtained. A summary of waivers granted shall be included in the annual operations report submitted under proposed section 5(c).

Section 6 makes editorial changes in current section 6.

Section 7 of the revision provides the authority for stockpile operations.

Section 7(a)(1) provides that funds appropriated for acquisition of any materials under this act shall remain available until expended.

Section 7(a)(2) permits the President to make significant changes in expenditures or disposals under the Materials Plan after thirty days notice has been given to the Committees on Armed Services of the Senate and House of Representatives.

Section 7(b) eliminates the ceiling on the Transaction Fund balance.

Section 7(c) authorizes appropriations for transportation, processing, refining, upgrade, storage, security, maintenance, rotation, or disposal of materials in the stockpile.

Section 7(d) permits proposed expenditures or disposals detailed in the materials plan or submitted to Congress that are not obligated or executed in the current fiscal year to be carried over to the materials plan for subsequent years.

Section 8(a) of the revision establishes the National Defense Stockpile Transaction Fund as a separate account in the Treasury.

Section 8(b)(1) provides that all funds from disposal or rotation of material be covered into the Transaction Fund.

Section 8(b)(2) identifies the purposes for which Transaction Funds monies may be used. Section 8(b)(2) (F) and (G) include provisions formerly in section 15(a) (1) and (2).

Section 8(b)(3) provides that the Transaction Fund shall be available for operations of the Defense National Stockpile.

Section 8(b)(4) provides that monies in the Transaction Fund shall remain available until expended.

Section 8(c) includes provisions for accounting for bartered materials.

Section 8(d) authorizes the use of multiyear contracts, including advance payments.

Section 8 of the revision revises section 9 of the current law.

Section 9 of the revision grants special disposal authority to the President. The President, or in time of war or national emergency, a designated officer or employer, may order release of material in the Stockpile whenever it is necessary. Any such order shall be promptly reported to the Committees on Armed Services of the Senate and House of Representatives. Section 9 corresponds to current section 7.

Section 10 of the revision authorizes a National Defense Stockpile Manager. Section 10(a) requires the President to designate a single Federal officer to perform the functions of the President under this Act.

Section 10(b) states that the individual heading that office shall be known as the National Defense Stockpile Manager.

Section 10(c) states that the President may delegate to the Defense Stockpile Manager all the functions of the President under this Act except for those enumerated under section 9.

Section 10 corresponds to current section 15.

Section 11(a) of the revision provides that the President may study development, mining, preparation, treatment, and utilization of ores and other mineral substances essential to national defense, industrial, and civilian needs but found in inadequate quantities in the U.S. in order to develop new sources, new methods of utilization or substitutes.

Section 11(b) provides for similar studies for developing domestic sources of supplies of agricultural materials.

Section 11(c) permits studies of materials other than those identified in (a) or (b) but determined under section 3(a) to be strategic and critical.

Section 11(d) permits awards of grants or contracts for research into substitutes for materials determined to be strategic and critical under section 3(a) or for more efficient methods of production or use of those materials.

Section 11 of the revision revises section 8 of the current statute.

Section 12(a) permits the President to appoint advisory committees to advise the President with respect to acquisition, transportation, processing, upgrading, refining, storage, security, maintenance, rotation and disposals of strategic and critical materials.

Section 12(b) provides for travel expenses for members of advisory committees while on advisory committee business.

Section 13(a) defines "strategic and critical materials" to be those needed to supply military, industrial and essential civilian needs of the United States and not found or produced in the United States in sufficient quantities to meet the need.

Section 13(b) defines "national emergency" as a declaration of national emergency made by the President or Congress.

Section 13(c) defines "significant change" as one resulting in an increase or decrease in the value of a requirement or in the amount of a transaction in excess of $50 million or 25 percent, whichever is less.

Section 511 repeals sections 9110 of the Department of Defense Appropriations Act, 1987 (Public Law 99–500, 100 Stat. 1783 and Public Law 99–591, 100 Stat. 3383) and section 3205 of the National Defense Authorization Act for FY 1987 (Public Law 99–661, 100 Stat. 3816) concerning the requirement to convert chromium and manganese ores held in the National Defense Stockpile into high carbon ferrochromium and high carbon ferromanganese.

We are currently in the eighth year of a ten year program to upgrade our stockpile of

chromite and manganese. The project was initiated to help sustain a U.S. ferroalloy furnace and processing capability vital to the national defense. The purpose was to reduce the time needed for conversion of stockpile materials into ferroalloys in time of an emergency. The need for ferroalloys in a national emergency and the potential supplies from reliable sources indicate that the amounts already in the stockpile are more than sufficient to cover our needs. A report recently submitted to the Congress on National Defense Stockpile requirements supports this position.

Section 512 revises the stockpile requirements for certain strategic and critical materials in the National Defense Stockpile and authorizes disposals from the National Defense Stockpile, as provided in Tables A and B, respectively.●

By Mr. CRANSTON (by request):

S. 2630. A bill to amend title 38, United States Code, to clarify the authority of the Department of Veterans Affairs' Chief Medical Director or designee regarding the review of the performance of probationary title 38 health care employees; to the Committee on Veterans' Affairs.

REVIEW OF PROBATIONARY EMPLOYEES IN THE VETERANS HEALTH ADMINISTRATION

● Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2630, a bill to amend title 38, United States Code, to clarify the authority of the Department of Veterans Affairs' Chief Medical Director regarding the review of the performance of probationary title 38 health care employees. The Secretary of Veterans Affairs submitted this legislation by letter dated April 9, 1992.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter and enclosed bill analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2630

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 7403(b) of title 38, United States Code, is amended to read as follows:

"(b) Appointments under section 7401(1) of this title shall be subject to a probationary period of two years. The performance of each person serving under such appointment may be reviewed at any time during that period by a board or boards appointed in accordance with regulations issued by the Secretary. Procedures governing the review of employee performance during the probationary period shall be established in regulations issued by the Secretary. The board(s) shall recommend to the Chief Medical Director, or designee, action consistent with the ability of the employee, as determined by the board(s), to perform efficiently. Such recommended actions could include retention or separation from service, reassignment to another position, or other corrective measures to enable the employee to be fully qualified and satisfactory prior to the end of the probationary period. The Chief Medical Director, or designee, may accept, reject, or modify the recommendation of the board(s). If the Chief Medical Director, or designee, takes action not recommended by the board(s), a statement of the reasons therefore shall be prepared and made part of the record."

ANALYSIS OF THE BILL

This draft bill would clarify and expand the authority of the Chief Medical Director under 38 U.S.C. §7403(b). That subsection establishes the probationary period for certain employees in the Veterans Health Administration and requires periodic review of the performance of those employees. The employees affected are physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries.

The draft bill would put in plain language the authority of the Chief Medical Director to accept, reject or modify the findings and recommendations of Professional Standards Boards appointed pursuant to this section.

The draft bill would clarify that it is the Chief Medical Director, rather than the Professional Standards Boards, who is the decision-maker. It would empower the Chief Medical Director with total discretion, based on his or her own review, to choose among an array of recommendations that course of action which best serves the interests of the employee and the Department.

The draft bill would expressly authorize reviewing Boards to choose among a range of actions to recommend so that remedies other than complete separation from service would be brought clearly within the law. Instead of separation from service, a Board could recommend any of a number of measures which the Board believes provide a capable employee desirous of satisfactorily completing the probationary period the opportunity to become fully qualified and satisfactory prior to the end of the probationary period.

Indeed, in enlarging the options available to the Board and the Chief Medical Director, the draft bill does not affect the rights of the probationary employee whose performance is being review. Those rights, e.g., the right of the employee to be notified that he/she may not be fully qualified or performing satisfactorily and the right to appear personally before the Board or submit a written statement in his/her behalf before a final decision is made, were established in regulations published, pursuant to section 7403(b) in its current form, in VA Manual MP–5, Part II, chapters 4 and 9. The draft bill preserves the authority of the Secretary to establish procedures through regulations, and such regulations will maintain those rights in their current form.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, April 9, 1992.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith, a draft bill "To amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding review of the performance of probationary title 38 health care employees" with the request that it be referred to the appropriate committee for prompt consideration and favorable action.

Currently, section 7403 of title 38, United States Code, provides authority to the Department of Veterans Affairs (VA) to appoint doctors, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries. That statute also subjects these employees to a two-year probationary period to allow the Department an opportunity to train newly-hired employees and evaluate their total performance.

During the probationary period, the appointee's performance must be reviewed by a professional standards board to determine whether the probationary employee is fully qualified and satisfactory. If the board finds that the employee is not fully qualified and satisfactory, and following a review by the Chief Medical Director or designee of its recommendations and findings, the Department has no option, under the plain language of the current law, but to separate the employee from service.

Essentially, the inflexible language found in the current law has not changed since the establishment of VA's Department of Medicine & Surgery in January 1946. Then, as now, the law provides no options to the Department other than separation from service even in situations where action other than separation would give the probationary employee an opportunity to become fully qualified and satisfactory prior to the end of the probationary period. Moreover, a decision from the Federal Court of Appeals for the Eighth Circuit further limits the Department. That court ruled that the Chief Medical Director, the official responsible for the operation of the Veterans Health Administration, has no discretion to change a recommendation of the professional standards board.

The goal of VA's medical mission has always been to provide a medical service for the veteran that is second to none in the world. Without in any way compromising VA's mission, the draft bill would allow a professional standards board to tailor its recommendations to fit the particular circumstances of each case. It would authorize a board to recommend actions, other than separation (e.g., additional training, assignment to a mentor, reassignment to another position) where the board believes the action would give a capable employee desirous of satisfactorily completing his or her probationary period the opportunity to do so prior to the end of the probationary period. Finally, it would empower the Chief Medical Director with total discretion, based on his or her own review, to choose among an array of measures that may salvage a candidate who would have to be separated under current law. Clear authority to "salvage" potentially effective health care professionals would be particularly valuable now, while the competition in the marketplace for health-care professionals remains intense.

This proposal would also clarify the intent of Congress that the Secretary of Veterans Affairs has the power to prescribe by regulation both the procedures to be followed by the board and the circumstances in which board proceedings may be initiated and that final action in the review process should be taken by the Chief Medical Director.

There are no costs anticipated from the enactment of this proposal.

The Office of Management and Budget advises that there is no objection from the

standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.●

By Mr. FORD (for himself and Mr. WIRTH):

S. 2631. A bill to promote energy production from used oil; to the Committee on Energy and Natural Resources.

USED OIL ENERGY PRODUCTION ACT

● Mr. FORD. Mr. President, each year the Nation uses 60 million barrels of lubricating oil. More surprisingly, each year more than 10 million barrels of used lubricating oil is carelessly dumped into the Nation's soil and water causing substantial environmental damage. Just consider, 10 million barrels is equal to 400 million gallons, the equivalent of 35 *Exxon Valdez* oilspills every year.

What makes this careless disposal of oil even more troubling is that for all practical purposes used oil is the equivalent of crude oil, a valuable commodity. Used oil can be re-refined into a variety of fuels or lubricants and could therefore replace 400 million gallons of crude oil that is now imported each year. During its initial hearings on used oil, on August 2, 1990, the Committee on Energy and Natural Resources determined that there are two reasons for this peculiar situation in which the Nation each year discards 400 million gallons of a valuable commodity, and thereby causes significant environmental damage.

First, the cost of gathering used oil from its many sources requires the development of an extensive collection system.

Second, Federal law currently authorizes the Environmental Protection Agency to declare used oil a hazardous waste under the Solid Waste Disposal Act. Even though the EPA has not actually declared used oil to be a hazardous waste, just the threat of such a declaration discourages most potential collectors and reprocessors from accepting used oil. The reason for this disincentive is that by accepting used oil, a collector would potentially open themself to the regulatory and legal liabilities associated with handling a hazardous waste.

Mr. President, 18 months ago the Committee on Energy and Natural Resources reported the Used Oil Energy Production Act of 1990. The purpose of this legislation was to promote the reuse of used oil as an energy resource and to reduce the widespread environmental damage which currently results from the improper dumping of over 400 million gallons of used oil each year. The act was designed to achieve this goal by meeting three objectives.

First, by requiring importers and manufacturers of lubricating oil to reuse a minimum amount of used oil each year.

Second, by establishing a system of tradable credits to facilitate compliance with the reuse requirements. Such a credit system would also provide an economic incentive for the reuse of used oil because credits would become valuable in those situations where importers and producers of lubricating oil were having difficulty in meeting their reuse requirements and could buy credits to achieve compliance.

Third, the bill would promote the reuse of used oil by eliminating the possibility that used oil might be listed as a hazardous waste. The threat of listing used oil as a hazardous waste, with all of the potential costs and liabilities associated with hazardous waste, is behind the reluctance of many potential collectors and reusers of used oil to actually engage in reuse. The resulting scarcity of used oil collection centers means that most "do-it-yourselfers," those who change oil in their own vehicles, cannot conveniently dispose of their used oil. Consequently, an estimated 400 million gallons of used oil is dumped into the Nation's water and soil each year. This provision would thus eliminate an existing regulatory disincentive to the reuse of used oil.

The environmental damage which results from improper disposal is difficult to understate. Used oil is the single largest polluter of our Nation's water resources—the volume equivalent of several major oil tanker spills per year.

Because this legislation included provisions which prohibited the listing of used oil as a hazardous waste the committee with jurisdiction over hazardous wastes, the Committee on Environment and Public Works, objected to further consideration of the bill on jurisdictional grounds. It was, and continues to be, the position of the committee that the reuse of used oil should be considered by the Senate only within the context of broader hazardous waste legislation.

Ten months ago, on June 5, 1991, the Committee on Energy and Natural Resources reported comprehensive national energy policy legislation, the National Energy Security Act of 1991, and included the provisions of the Used Oil Energy Production Act as previously and unanimously reported. The committee continued to take the position that used oil is a valuable energy resource and its reuse as a fuel should be encouraged. However, the Committee on Environment and Public Works again objected to Senate consideration of the used oil provisions outside of consideration of hazardous waste legislation. Accordingly, and the provisions were dropped.

Mr. President, today I am introducing the Used Oil Energy Production Act. This legislation is identical to the act unanimously reported by the Energy Committee 18 months ago, and reported as a part of the National Energy Security Act 10 months ago.

More recently, the Committee on Environment and Public Works has begun development of comprehensive hazardous waste legislation. However, the approach taken with respect to used oil is substantially different than that proposed by the Energy Committee. For example, the Environment and Public Works Committee draft does not directly address the issue of the listing of used oil as a hazardous waste, but instead directs the Administrator of the EPA to develop separate management standards for used oil. In addition, the E&PW draft would not establish a credit system.

I anticipate that the Committee on Energy and Natural Resources will hold another hearing on this issue to examine the merits of these two different approaches to promoting the reuse of used oil. There are several specific concerns I would like to examine. For example, I am concerned that the management standards proposed in the E&PW draft, and the pace of their implementation, may disrupt the existing used oil collection and reuse industry. Also, a credit system may be needed, particularly in the short term, in order to provide economic incentives to those interested in promoting the reuse of used oil.

I look forward to working with my colleagues on developing legislation which will encourage the reuse of used oil, and which will reduce the environmental damage caused by the careless dumping of used oil.●

By Ms. MIKULSKI:

S. 2632. A bill to establish the National Environmental Technologies Agency; to the Committee on Governmental Affairs.

NATIONAL ENVIRONMENTAL TECHNOLOGIES AGENCY ACT

● Ms. MIKULSKI. Mr. President, I rise today to introduce legislation to create a new independent agency that will act as the catalyst for public-private partnerships to develop environmental technologies.

These technologies will produce products and the products will produce jobs. Jobs today and jobs tomorrow.

I call this new agency the National Environmental Technologies Agency or NETA. This Agency will be created at no additional cost to the taxpayer. NETA's seed money will come from shifting some existing funds that are now being spent on Defense research.

The goal of NETA is to assist private industry, universities, and nonprofit research centers in developing environmentally safe and energy efficient technologies to help secure America's environmental security and competitiveness.

Let me tell you how this Agency will work.

NETA will reduce bureaucracy by coordinating efforts of other agencies and streamlining support for research and development.

Once formed, the Agency will identify areas that need technical solutions and that are not receiving product oriented research.

NETA will provide support for these efforts by offering loans and grants, or by entering into cooperative agreements with the private sector or the university community.

NETA will then assist in deployment of these technologies by coordinating exchange of information and providing the needed technical assistance to transfer these ideas into consumer and industrial products and equipment.

The agency will closely monitor its investments and will work to disseminate information to the private sector on the progress of these projects.

This will be a small independent agency that will have a big impact on research into environmentally sound or energy efficient technology.

The potential is endless. New technologies to clean up superfund sites. Products developed without the use of lead. More efficient engines. New products made from recyclable goods.

The time is right for NETA. We have won the war abroad, and now it is time to win the war for America's future. We need to change the way we think and the way we operate. What we are doing here is retooling Government and getting it ready to do business in the New World.

Right now, the Federal Government spends more than $76 billion on research and development. Sixty percent of that amount still goes to Defense research. It is time to flick the switch and make this Government more efficient.

Mr. President, we know this system works. The essence of NETA can be found in the very successful Defense Advanced Research Projects Agency or DARPA. DARPA was created when the Russian Sputnik threatened to overtake American technology.

We knew we were behind. We knew we had to think like entrepreneurs. To make Government flexible and responsive. And to break down the walls between the Federal Government and the private sector.

DARPA worked closely with the private sector and provided grants to develop military technologies. It was a partnership that produced the M–16 rifle. And the stealth technology. We know it works. We've seen its success.

We are getting behind again. Other countries are becoming the leaders in developing air pollution control equipment and waste water treatment technologies.

NETA will take the same spirit of DARPA and aim it at protecting our environment.

Mr. President, we have a chance here to become the Green Giant of the 21st century. I do not want to see another country steal that chance.

And you know that is what they are trying to do. The European Community has already set up agencies to study the technological future. Germany spends 23 percent of its R&D budget environmentally. And Japan is spending over $4 billion to develop its environmental research.

The future market for this research is there and is growing. Right now in this country alone, 800,000 people work in the environmental industry. The world market for environmental technologies is expected to jump to $300 billion by the year 2000. That is a lot of jobs available in a growing market.

Let's not play catch up. Let's get out in front. I do not want this country to import ideas from abroad. I want it to export American ideas, American technologies, and American products. We cannot afford to wait.

Mr. President, I ask unanimous consent for the text of the bill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Environmental Technologies Agency Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) environmental problems facing the world pose a threat to the environmental security of the United States and other nations;

(2) the causes of many of environmental problems lie in the use of environmentally damaging technologies in areas such as transportation, energy production, industrial manufacturing, and product use;

(3) the development and deployment of environmentally safe technologies will both enhance the nations environmental security and the economic standing of the Nation in the world's market place; and

(4) the Federal Government should play a significant role in enhancing the Nation's environmental security by—

(A) facilitating the development and deployment of environmentally safe technologies that provide solutions to environmental problems; and

(B) assisting in the diffusion of knowledge of environmentally safe technologies throughout the Nation.

(b) PURPOSE.—It is the purpose of this Act to assist the efforts of private industry, universities, nonprofit research centers, and government laboratories to provide environmentally safe technical solutions to problems threatening the Nation's environmental security and, in the process, to help the Nation's competitiveness.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Environmental Technologies Agency;

(2) the term "Advisory Council" means the Industry and Academia Advisory Council established by section 5;

(3) the term "Agency" means the National Environmental Technologies Agency established by section 4; and

(4) the term "Fund" means the Critical Technologies Revolving Fund established by section 9.

SEC. 4. ESTABLISHMENT OF AGENCY.

(a) ESTABLISHMENT.—There is established as an independent establishment of the United States the National Environmental Technologies Agency.

(b) ADMINISTRATOR.—(1) The Agency shall be headed by the Administrator of the National Environmental Technologies Agency, who shall be appointed by the President, with the advice and consent of the Senate.

(2) Section 5313 of title 5, United States Code, is amended by adding at the end the following new item:

"Administrator, National Environmental Technologies Agency.".

(c) STAFF.—The Administrator may appoint a staff of professionals with skills in the area of program definition and management and such support staff as the Administrator determines to be necessary, of which no more than 3 may be in positions of confidential or policy-making character.

(d) FUNCTIONS.—It shall be the function of the Agency to—

(1) coordinate planning by the departments, agencies, and independent establishments of the United States relating to restoration and protection of the environment;

(2) identify areas that—

(A) need technical solutions to maintain the environmental security of the Nation;

(B) are not receiving the long-term product-oriented research that is necessary to meet those needs; and

(C) exhibit the greatest promise for the successful development of solutions;

(3) support and assist the development of technology having potential future application in the restoration and protection of the environment;

(4) coordinate among the departments, agencies, independent establishments of the United States and the private sector the exchange of technological information relating to restoration and protection of the environment;

(5) support continuing research and development of advanced technologies by industrial, academic, and governmental and nongovernmental entities;

(6) monitor on a continuing basis the research and development being conducted on advanced technologies by private industry in the United States; and

(7) promote continuing development of a technological industrial base in the United States.

(e) INTERAGENCY ADVISORY COMMITTEE.—(1) There is established an interagency advisory committee composed of—

(A) the Administrator of the Environmental Protection Agency, who shall be chair of the committee;

(B) the Director of the Office of Science and Technology Policy, or the Director's designee;

(C) the Secretary of Energy, or the Secretary's designee;

(D) the Secretary of Commerce, or the Secretary's designee;

(E) the Secretary of State, or the Secretary's designee;

(F) the Secretary of Defense, or the Secretary's designee; and

(G) the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

(2) The interagency advisory committee shall advise and provide information to the Agency with respect to the needs and concerns of their agencies in the field of environmental technologies.

SEC. 5. INDUSTRY AND ACADEMIA ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established the Industry and Academia Advisory Council.

(b) MEMBERSHIP.—(1) The Advisory Council shall consist of 9 members appointed by the Administrator, at least 5 of whom shall be from United States industry.

(2) The persons appointed as members of the Advisory Council—

(A) shall be eminent in fields such as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations;

(B) shall be selected solely on the basis of established records of distinguished service; and

(C) shall not be employees of the Federal Government.

(3) In making appointments of persons as members of the Advisory Council, the Administrator shall give due consideration to any recommendations that may be submitted to the Director by the National Academies, professional societies, business associations, labor associations, and other appropriate organizations.

(c) TERMS.—(1)(A) Subject to paragraph (2), the term of office of a member of the Advisory Council shall be 3 years.

(B) A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(C) A member who has completed 2 consecutive full terms on the Advisory Council shall not be eligible for reappointment until 1 year after the expiration of the second such term.

(2) The initial members of the Advisory Council shall be appointed to 3 classes of 3 members each, one class having a term of 1 year, one a term of 2 years, and one a term of 3 years.

(3)(A) The Advisory Council shall meet at least quarterly at the call of the chair or whenever one-third of the members so request in writing.

(B) A majority of the members of the council not having a conflict of interest in a matter under consideration by the Advisory Council shall constitute a quorum.

(C) Each member shall be given appropriate notice of a meeting of the Advisory Council, not less than 15 days prior to any meeting, if possible.

(4)(A) The Advisory Council shall appoint from among its members a person to serve as chair and a person to serve as vice chair.

(B) The vice chair of the Advisory Council shall perform the duties of the chair in the absence of the chair.

(5) The Advisory Council shall review and make recommendations regarding general policy for the Agency, its organization, its budget, and its programs within the framework of national policies set forth by the President and the Congress.

SEC. 6. GENERAL AUTHORITY OF THE ADMINISTRATOR.

(a) AUTHORITY.—In carrying out the functions of the Agency, the Administrator may—

(1) enter into, perform, and guarantee contracts, leases, grants, and cooperative agreements with any department, agency, or independent establishment of the United States or with any person;

(2) use the services, equipment, personnel, or facilities of any other department, agency, or independent establishment of the United States, with the consent of the head of the department, agency, or independent establishment and with or without reimbursement, and cooperate with public and private entities in the use of such services, equipment, and facilities;

(3) supervise, administer, and control the activities within the departments, agencies, and independent establishments of the United States relating to patents, inventions, trademarks, copyrights, royalty payments, and matters connected therewith that pertain to technologies relating to restoration and protection of the environment; and

(4) appoint 1 or more advisory committees or councils, in addition to those established by sections 4(e) and 5, to consult with and advise the Administrator.

(b) TRANSFER OF TECHNOLOGY.—The Administrator may transfer to the domestic private sector technology developed by or with the support of the Agency if the Administrator determines that the technology may have potential application in private activities relating to restoration and protection of the environment.

SEC. 7. COOPERATIVE AGREEMENTS AND OTHER ARRANGEMENTS.

(a) IN GENERAL.—In carrying out the functions of the Agency, the Administrator may enter into a cooperative agreement or other arrangement with any department, agency, or independent establishment of the United States, any unit of State or local government, any educational institution, or any other public or private person or entity.

(b) AUTHORITY TO REQUIRE PAYMENT.—(1) A cooperative agreement or other arrangement entered into under subsection (a) may include a provision that requires a person or other entity to make payments to the Agency (or any other department, agency, or independent establishment of the United States) as a condition to receiving assistance from the Agency under the agreement or other arrangement.

(2) The amount of any payment received by a department, agency, or independent establishment of the United States pursuant to a provision required under paragraph (1) shall be credited to the Fund in such amount as the Administrator may specify.

(c) NONDUPLICATION AND OTHER CONDITIONS.—The Administrator shall ensure that—

(1) the authority under this section is used only when the use of standard contracts or grants is not feasible or appropriate; and

(2) to the maximum extent practicable, a cooperative agreement or other arrangement entered into under this section—

(A) does not provide for research that duplicates research being conducted under other programs carried out by a department, agency, or independent establishment of the United States; and

(B) requires the other party to the agreement or arrangement to share the cost of the project or activity concerned.

SEC. 8. PROGRAM REQUIREMENTS.

(a) SELECTION CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register proposed criteria, and not later than 180 days after the date of enactment of this Act, following a public comment period, final criteria, for the selection of recipients of contracts, leases, grants, and cooperative agreements under this Act.

(b) FINANCIAL REPORTING AND AUDITING.—The Administrator shall establish procedures regarding financial reporting and auditing to ensure that contracts and awards are used for the purposes specified in this section, are in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted in the same time period in the absence of financial assistance under this Act.

(c) ADVICE OF THE ADVISORY COUNCIL.—The Administrator shall ensure that the advice of the Advisory Council is considered routinely in carrying out the responsibilities of the Agency.

(d) DISSEMINATION OF RESEARCH RESULTS.—The Administrator shall provide for appropriate dissemination of research results of the Agency's program.

(e) CONTRACTS OR AWARDS; CRITERIA; RESTRICTIONS.—(1) No contract or award may be made under this Act until the research project in question has been subject to a merit review, and has, in the opinion of the reviewers appointed by the Administrator, been shown to have scientific and technical merit.

(2) Federal funds made available under this Act shall be used only for direct costs and not for indirect costs, profits, or management fees of the contractor.

(3) In determining whether to make an award to a joint venture, the Administrator shall consider whether the members of the joint venture have provided for the appropriate participation of small United States businesses in the joint venture.

(4) Section 552 of title 5, United States Code, shall not apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any business or any joint venture that receives funding under this Act:

(A) Information on the business operation of a member of the business or joint venture.

(B) Trade secrets possessed by any business or by a member of the joint venture.

(5) Intellectual property owned and developed by a business or joint venture that receives funding under this Act or by any member of such a joint venture may not be disclosed by any officer or employee of the United States except in accordance with a written agreement between the owner or developer and the Administrator.

(6) The United States shall be entitled to a share of the licensing fees and royalty payments made to and retained by a business or joint venture to which it contributes under this section in an amount proportionate to the Federal share of the costs incurred by the business or joint venture, as determined by independent audit.

(7) A contract or award under this Act shall contain appropriate provisions for discontinuance of the project and return of the unspent Federal funds to the Agency (after payment of all allowable costs and an audit) if it appears that, due to technical difficulties, financial difficulty on the part of the recipient, or for any other reason, the recipient is not making satisfactory progress toward successful completion of the project.

(8) Upon dissolution of a joint venture that receives funding under this Act or at a time otherwise agreed upon, the United States shall be entitled to a share of the residual assets of a joint venture that is proportionate to the Federal share of the costs of the joint venture, as determined by independent audit.

SEC. 9. REVOLVING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the "Environmental Advanced Research Projects Revolving Fund", which shall consist of such amounts as are appropriated or credited to it from time to time.

(b) EXPENDITURES FROM THE FUND.—Amounts in the Fund shall be available, as

provided in appropriations Acts, to carry out the purposes of this Act.

(c) LOANS, GRANTS, AND OTHER FINANCIAL ASSISTANCE.—(1) The Administrator may use the Fund for the purpose of making loans, grants, and other financial assistance to industrial and nonprofit research centers, universities, and other entities that serve the long-term environmental security needs of the United States, to carry out the purposes of this Act.

(2) A loan made under this section shall bear interest at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the loan is made) to be 3 percent less than the current market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the period for which the loan is made.

(3) Repayments on a loan made under this section and the proceeds from any other agreement entered into by the Administrator under this Act shall be credited to the Fund.

(d) MANAGEMENT OF FUND.—(1) The Secretary of the Treasury shall manage the Fund and, after consultation with the Administrator, report to Congress each year on the financial condition and the results of the operation of the Fund during the preceding fiscal year and on the expected condition and operations of the Fund during the next 5 fiscal years.

(2)(A) The Secretary of the Treasury shall invest the portion of the Fund that is not, in the judgment of the Secretary, required to meet current withdrawals.

(B) Investments of monies in the Fund may be made only in interest-bearing obligations of the United States.

SEC. 10. ANNUAL REPORT.

The Administrator shall submit a report to Congress annually describing—

(1) the activities of the Agency;

(2) the Agency's plans for future activities;

(3) the manner and extent to which technologies developed with assistance from the Agency have been used; and

(4) the extent to which those technologies have been transferred overseas.

SEC. 11. APPROPRIATIONS.

(a) AMOUNTS.—There are authorized to be appropriated to the Agency to carry out this Act $75,000,000 for fiscal year 1993, $140,000,000 for fiscal year 1994, and $200,000,000 for fiscal year 1995.

(b) LIMITATION ON USE.—Of amounts appropriated to the Agency, no more than 5 percent may be used to pay for administrative expenses of the Agency.●

By Mr. DOLE:

S. 2633. A bill to revise the Federal vocational training system to meet the Nation's work force needs into the 21st century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality programs, and a voucher system to enhance participant choice, and for other purposes; to the Committee on Labor and Human Resources.

JOB TRAINING 2000 ACT

Mr. DOLE. Mr. President, I am pleased to introduce the Job Training 2000 act. This legislation, urged by the administration and prepared at the request of President Bush, would reform the Federal Vocational Training System to meet this Nation's work force needs far into the future.

It seeks to achieve this ambitious goal by overhauling the coordination of the delivery of training services presently rendered by the Federal Government. It also establishes a certification system to ensure the quality of vocational training programs and a voucher payment system to enhance participant choice.

Today, numerous programs administered by over a dozen Federal agencies offer vocational education and job training at a cost of billions of dollars each year. This investment is supposed to provide opportunities for American workers to acquire the vital skills necessary to succeed in a constantly changing economy.

Unfortunately, as programs have been created, revised, and re-revised over the years, we have ended up with a confusing maze of services whose effectiveness has been hampered by the lack of coordination and efficient administration. In short, the system is not living up to its potential.

The Job Training 2000 Act addresses this problem by establishing skill centers which would act as a one-stop entry point to provide both workers and employers with easy access to information about vocational training, labor markets, and other related services available throughout the community.

This centralization of information and services is critical for each program's success. All the answers will be in one place, such as the types of training programs available and career counseling and job placement information. Under the present system, the answers are in lots of places and the big challenge—itself a disincentive to program utilization—is to find them.

The legislation provides that the delivery of services will be administered through private industry councils—so-called PIC's—formed under the Job Training Partnership Act. These private-public governing boards would be responsible for designating and overseeing skill centers, certifying vocational training programs, and managing the new training voucher system.

The point here is to make the delivery of services more sensitive to local needs and concerns. With the input of members of the local private sector, educational agencies, labor, community-based organizations and other interested and affected groups, programs can best be targeted to those who most need them and benefit by them.

While I suspect that this approach may need some revisions as this legislation is considered, the point is to make sure that the administration of the programs works for the community and is not some detached broad-brush approach that is a bad fit.

The Job Training 2000 Act would also establish a certification system for Federal vocational training keyed to performance. In order for a program to receive Federal vocational training funds, it would have to meet certain standards based on the program's effectiveness measured in part by job placement, retention, and earnings rates.

Not only would this work as a quality control measure, but in these days of tight budgets, it's important that we get all we can from each taxpayer dollar spent.

Finally, the legislation would provide for the implementation of a voucher system tied to vocational training provided under JTPA, the Carl D. Perkins Vocational Education Act, the Food Stamp Employment and Training Program, and the Jobs Program.

Upon entering a skill center, each eligible participant would be provided services through a voucher. By allowing program participants to select from a menu of services, they are able to tailor available resources to their own needs and developmental areas. This ensures that the system works for the participants and that funds are effectively spent to ensure successful training and job placement.

Mr. President, we have all heard the wake-up call that in order to survive in today's competitive, global economy, we need a work force that is highly skilled. In my opinion, we have two options. We can sit on the sidelines and watch events overtake us, or we can get out front and be the competitive leader we have been, need to be, and should continue to be.

President Bush has seized the initiative and drawn up a blueprint so that our work force is prepared for the future. The ball is now in Congress' court.

I urge my colleagues to carefully review this important legislation. While there are certain parts of the bill which may—and in some cases—should be modified, I believe that there is room for accommodation. The point is that a serious dialog is overdue and that action must be taken to better use our resources—and allocate new ones—so that American workers keep their edge.

By being the best at designing and manufacturing products, and by being the best at providing services, we will ensure a bright future for all Americans through more jobs and higher paying jobs.

Mr. President, I ask unanimous consent that the complete text of the Job Training 2000 Act and a section-by-section analysis of the legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training 2000 Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purpose.
Sec. 4. Authorization of appropriations.
Sec. 5. Definitions.

TITLE I—GENERAL PROVISIONS

PART A—FEDERAL RESPONSIBILITIES

Sec. 101. Federal vocational training council.
Sec. 102. Private sector advisory board on federal vocational training.

PART B—STATE HUMAN RESOURCE INVESTMENT COUNCIL

Sec. 111. Establishment of State Human Resource Investment Council.

PART C—ADDITIONAL STATE RESPONSIBILITIES

Sec. 121. Statement of goals.
Sec. 122. State reports.
Sec. 123. Governors' oversight responsibilities.

PART D—LOCAL PLAN AND REPORTS

Sec. 131. Job Training 2000 plan.
Sec. 132. Private industry council report.

TITLE II—SKILL CENTERS

Sec. 201. Purpose.
Sec. 202. Establishment of skill centers.
Sec. 203. Functions of skill centers.
Sec. 204. Participating programs.
Sec. 205. Designation procedures.
Sec. 206. Agreement with participating programs.
Sec. 207. Performance standards.

TITLE III—CERTIFICATION SYSTEM FOR FEDERAL VOCATIONAL TRAINING

Sec. 301. Purpose.
Sec. 302. Allocation of funds.
Sec. 303. Certification requirement.
Sec. 304. Certification criteria.
Sec. 305. Certification procedures.

TITLE IV—VOCATIONAL TRAINING VOUCHER SYSTEM

Sec. 401. Purpose.
Sec. 402. Vouchered services.
Sec. 403. Administration.
Sec. 404. Voucher conditions.
Sec. 405. On-the-job training vouchers.
Sec. 406. Contract exception.

TITLE V—CONFORMING AMENDMENTS TO OTHER ACTS

Sec. 501. Duties of state human resource investment councils with respect to applicable programs.
Sec. 502. Job Training Partnership Act amendments.
Sec. 503. Wagner-Peyser Act amendments.
Sec. 504. Amendments to Veterans training under Chapter 41.
Sec. 505. Perkins Act amendments.
Sec. 506. Amendments to JOBS.
Sec. 507. Food Stamp Act amendments.
Sec. 508. Amendments to the Higher Education Act of 1965.
Sec. 509. Rehabilitation Act amendments.
Sec. 510. Refugee Assistance Act amendments.
Sec. 511. Trade adjustment assistance for workers amendments.

TITLE VI—EFFECTIVE DATE AND TRANSITION

Sec. 601. Effective date.
Sec. 602. Transition provision.

SEC. 3. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) vocational education and job training are offered by numerous Federal programs and administered by several Federal agencies;

(2) services are disjointed, administration is inefficient, and few individuals—especially young, low-income, unskilled people—are able to obtain useful information on program quality, job opportunities or skill requirements;

(3) eligible populations of Federal vocational training programs overlap, and business has only limited input into the programs;

(4) weak quality controls have allowed unscrupulous proprietary institutions and others to obtain Federal funds without providing effective training;

(5) Federally funded vocational training programs must be improved and service delivery streamlined to meet the demands of the changing workplace in the new world economy; and

(6) the current, incoherent complex of programs should be transformed into a vocational training system responsive to the needs of individuals, business, and the national economy by:

(A) simplifying and coordinating program services;

(B) decentralizing decision making and creating a flexible service delivery structure for public programs that reflects local labor market conditions;

(C) ensuring high standards of accountability for vocational training programs; and

(D) encouraging greater and more effective private sector involvement in vocational training programs.

(b) PURPOSE.—It is the purpose of this Act to—

(1) establish a network of local skill centers to provide a common point of entry for individuals to vocational training programs and thereby improve access, minimize duplication, and enhance the effectiveness of such programs;

(2) establish a system for certification of vocational training programs, including certification by private industry councils that such programs meet performance standards, to ensure that only high quality programs are eligible to receive Federal vocational training funds; and

(3) establish a system of vocational training vouchers to enhance participant choice and, by promoting competition among service providers, improve the quality of training.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Education $50,000,000 in fiscal year 1993 and such sums as may be necessary in each succeeding fiscal year for allocations to the States and private industry councils to assist in carrying out title III, relating to certification of vocational training programs.

SEC. 5. DEFINITION

For the purposes of this Act:

(1) The term "private industry council" means the council established under section 102 of the Job Training Partnership Act.

(2) The term "service delivery area" means the area established under section 101 of the Job Training Partnership Act.

(3) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands.

(4) The term "Veterans Vocational Training programs" means programs providing vocational training under chapter 106 of title 10 and chapters 30, 31, 32, and 35 of title 38, United States Code.

(5) The term "vocational training" means any program of instruction or applied learning, leading to other than a baccalaureate or advanced degree, that systematically develops the specific skills needed for employment in a current or emerging occupation or occupational cluster and leads to attaining proficiency or pre-determined sets of skills and knowledge areas needed for such employment. Such training may include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and job placement. However, the primary purpose of such training must be attainment of the occupational-specific skills necessary for economic independence as a productive and contributing member of society.

TITLE I—GENERAL PROVISIONS

PART A—FEDERAL RESPONSIBILITIES

SEC. 101. FEDERAL VOCATIONAL TRAINING COUNCIL.

(a) ESTABLISHMENT.—There is established the Federal Vocational Training Council (in this Act referred to as the "Federal Council"). The Federal Council shall consist of the agency heads, or their designees, described in subsection (b) and such other agency heads as the President may designate.

(b) COMPOSITION.—The Federal Council shall include—

(1) the Secretary of Labor;

(2) the Secretary of Education;

(3) the Secretary of Health and Human Services;

(4) the Secretary of Agriculture; and

(5) the Secretary of Veterans Affairs.

(c) CHAIRMAN.—The position of chairman of the Federal Council shall rotate among the Secretaries of Labor, Education and Health and Human Services on a yearly basis, unless such Secretaries approve an alternative means of selection.

(d) FUNCTIONS.—The Federal Council shall—

(1) provide guidance and advice relating to the implementation of the requirements of this Act to affected Federal, State, and local agencies and organizations;

(2) ensure the application of consistent policies, practices and procedures in the operation of Federal vocational training programs, which shall include, through the waiver authority provided under subsection (e), requiring:

(A) the use of common terms, definitions, and performance standards;

(B) the collection of common participant and program data; and

(C) the coordination, including coordination of the timing and sequence, and consolidation of required State and local plans and reports;

(3) serve as a clearinghouse to exchange information relating to vocational training among Federal, State and local officials;

(4) conduct a formal evaluation of the effect of this Act on individuals, institutions, agencies and labor markets;

(5) oversee the implementation and administration of this Act; and

(6) carry out other responsibilities as specified in this Act.

(e) WAIVER.—(1) In order to carry out the requirements of subsection (d)(2), each member of the Federal Council may waive regulations or provisions of law under such member's jurisdiction that would prevent the application of consistent practices and procedures relating to the items identified in subparagraphs (A) through (C) of subsection (d)(2).

(2) The waivers authorized under paragraph (1) may not alter—

(A) the purposes or goals of the affected programs;

(B) the eligibility of an individual for participation in the affected programs;

(C) the allocation of funds under the affected programs; or

(D) any law respecting public health or safety, civil rights, occupational safety and health, or environmental protection.

(3) The authority under this subsection shall remain in effect for three years from the effective date of this Act. Not later than the end of such period, the Federal Council shall submit a report, accompanied by such recommendations as the Federal Council deems appropriate, to the President describing the activities undertaken pursuant to subsection (d)(2) and this subsection.

(f) ADMINISTRATION.—The Federal Council is authorized to—

(1) prescribe such rules and regulations as may be necessary for conducting the business of the Federal Council; and

(2) use the services, personnel, facilities, and information of any department, agency, or instrumentality of the executive branch of the Federal Government and the services, personnel, facilities, and information of State and local public agencies and private agencies and organizations, with the consent of such agencies.

(g) AGENCY CONTRIBUTIONS.—Upon request made by the Chairman of the Federal Council, each department, agency, and instrumentality of the executive branch of the Federal Government is authorized and directed to make its services, personnel, facilities, and information available to the greatest practicable extent to the Federal Council in the performance of its functions under this section.

(h) REPORT.—Not later than five years after the effective date of this Act, the Federal Council shall submit a report to the President containing the results of the evaluation conducted pursuant to subsection (d)(4) and such recommendations as the Federal Council may deem appropriate. Not later than 30 months after the effective date of this Act, the Federal Council shall submit an interim report to the President describing progress to date in implementing programs under this Act. Such report shall be based on the first cycle of annual reports received from Governors pursuant to section 122 and contain such other information as is deemed relevant by the Federal Council.

SEC. 102. PRIVATE SECTOR ADVISORY BOARD ON FEDERAL VOCATIONAL TRAINING.

(a) ESTABLISHMENT.—There is established a National Private Sector Advisory Board on Vocational Training (in this Act referred to as the "Advisory Board". The Advisory Board shall be composed of 15 members appointed by the President. The members shall serve for such terms as the President may prescribe. In appointing the Board, the President may consider including—

(A) representatives of the private sector, to constitute a majority of the membership of the Advisory Board and who shall be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility;

(B) representatives of educational agencies, welfare and social agencies, labor organizations, or community-based organizations; and

(C) participants in vocational training programs and other individuals who have special knowledge and qualifications with respect to vocational training.

(2) The Chairman of the Board shall be selected by the President. The time, place, and manner of meeting, as well as Board operating procedures, shall be as provided by the rules of the Board.

(3) The Board is authorized to use the services, personnel, facilities, and information of the Federal Council in carrying out its functions under this section.

(b) FUNCTIONS.—The Board shall advise the Federal Council regarding—

(1) the carrying out of the Federal Council's responsibilities under this Act;

(2) increasing the involvement of the private sector in vocational training programs; and

(3) ways of ensuring that the Federal vocational training system meets labor market needs.

PART B—STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 111. ESTABLISHMENT OF STATE HUMAN RESOURCE INVESTMENT COUNCIL.

(a) IN GENERAL.—Each State that receives assistance under an applicable program shall establish a single State human resource investment council (in this Act referred to as the "State Council") to—

(1) review the provision of services and the use of funds and resources under the applicable programs as defined in subsection (e) and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the laws and regulations governing the applicable programs; and

(2) advise the Governor on the development and implementation of State and local standards and measures relating to the applicable programs and coordination of such standards and measures.

(b) COMPOSITION.—Each State Council established as required by subsection (a) shall be composed of members appointed by the Governor for such terms as the Governor may prescribe. Each State Council shall consist of—

(1) representatives of business and industry (including agriculture, where appropriate), who shall constitute a majority of the membership of the State Council, and include individuals who are representatives of business and industry on private industry councils within the State established under section 102 of the Job Training Partnership Act;

(2) representatives of organized labor and representatives of community-based organizations in the State;

(3) the chief administrative officer from each of the State agencies primarily responsible for administration of an applicable program;

(4) representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State board of education (if not otherwise represented), the State public assistance agency, the State employment security agency, the State housing agency, the State rehabilitation agency, the special education unit of the State education agency, the State occupational information coordinating committee, State postsecondary education institutions, the State economic development agency, the State agency on aging, the State veteran's affair agency (or its equivalent), State career guidance and counseling organizations, the State unit which administers the State vocational rehabilitation program, the agency which administers the Adult Education Act program, and any other agencies the Governor determines to have a direct interest in the utilization of human resources within the State;

(5) representatives of units of general local government or consortia of such units, appointed from nominations made by the chief elected officials of such units or consortia;

(6) representatives of local educational agencies and postsecondary institutions, which appointments shall be equitably distributed between such agencies and such institutions and shall be made from nominations made by local educational agencies and postsecondary institutions, respectively;

(7) representatives of local welfare and public housing agencies; and

(8) individuals who have special knowledge and qualifications with respect to the education and career development needs of individuals who are members of special populations, women, and minorities, including one individual who is a representative of special education.

(c) PERSONNEL.—Each State Council may obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out it functions under this Act and under any applicable program.

(d) CERTIFICATION.—Each State shall certify to the Federal Council the establishment and membership of the State Council at least 90 days before the beginning of each period of 2 program years for which a Job Training 2000 plan is submitted under this Act.

(e) APPLICABLE PROGRAMS.—For the purposes of this part, the term "applicable program" means any program under any of the following provisions of law:

(1) the Adult Education Act;

(2) the Carl D. Perkins Vocational and Applied Technology Education Act;

(3) the Job Training Partnership Act;

(4) the Rehabilitation Act of 1973;

(5) the Wagner-Peyser Act;

(6) Part F of title IV of the Social Security Act (JOBS);

(7) Section 6(d)(4) of the Food Stamp Act of 1977;

(8) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965;

(9) Veterans Vocational Training programs; and

(10) other programs designated by the Federal Council.

PART C—ADDITIONAL STATE RESPONSIBILITIES

SEC. 121. STATEMENT OF GOALS.

(a) IN GENERAL.—In order to assist the private industry councils prepare the Job Training 2000 Plan pursuant to section 131, each Governor shall biennially issue a statement of goals and objectives for the Job Training 2000 system established in the State pursuant to this Act.

(b) DISSEMINATION.—The statement prepared under subsection (a) shall be disseminated to each private industry council within the State and to other interested agencies, organizations and individuals.

SEC. 122. STATE REPORTS.

(a) IN GENERAL.—Each Governor shall submit to the Federal Council an annual report relating to the activities undertaken within the State pursuant to this Act.

(b) CONTENTS.—The report required by subsection (a) shall be in accord with reporting requirements established by the Federal Council and shall include:

(1) information relating to the achievement of the goals established by the Governor under section 121;

(2) the information described in section 207(c)(3) relating to the performance of skill centers in the State;

(3) a summary of data collected under section 305(a)(2) relating to the performance of vocational training programs in the State; and

(4) appropriate information from the reports of the private industry councils submitted pursuant to section 132.

(c) ADDITIONAL REPORTS.—Each Governor shall submit such other reports and information relating to activities undertaken pursuant to this Act as the Federal Council may request.

SEC. 123. GOVERNORS' OVERSIGHT RESPONSIBILITIES.

(a) MONITORING.—Each Governor shall monitor the compliance of the private industry councils within the State with the requirements of this Act.

(b) TECHNICAL ASSISTANCE.—Each Governor shall provide such technical assistance as deemed necessary to assist the private industry councils to carry out their responsibilities under this Act. The Governor may use the funds available under section 2092(b)(3)(B) of the Job Training Partnership Act in providing such assistance.

(c) SANCTIONS.—(1) Except as otherwise specified under this Act, if the Governor, as a result of financial and compliance audits or otherwise, determines that there is substantial violation of this Act by a private industry council, and corrective action has not been taken, the Governor shall—

(A) issue a notice of intent to revoke approval of all or part of the plan approved under section 131; or

(B) impose a reorganization plan, which may include—

(i) restructuring the private industry council involved; or

(ii) making such other changes as the Governor determines to be necessary to secure compliance.

(2)(A) The action taken by the Governor under paragraph (1)(A) may be appealed to the Secretary of Labor under the same terms and conditions as the disapproval of the plan and shall not become effective until—

(i) the time for appeal has expired; or

(ii) the Secretary of Labor has issued a decision regarding an appeal.

(B) The actions taken by the Governor under paragraph (1)(B) may be appealed to the Secretary of Labor, who shall make a final decision within 60 days of the receipt of the appeal.

PART D—LOCAL PLAN AND REPORT

SEC. 131. JOB TRAINING 2000 PLAN.

(a) IN GENERAL.—Each private industry council shall submit to the Governor a Job Training 2000 plan for two-year periods which is prepared in accordance with the requirements of this section.

(2) In preparing the Job Training 2000 plan, the private industry council shall consult with—

(A) representatives of Federal vocational training programs and local public and private providers of services to such programs, including programs authorized under:

(i) the Job Training Partnership Act;

(ii) part F of title IV of the Social Security Act;

(iii) the Wagner-Peyser Act;

(iv) section 6(d)(4) of the Food Stamp Act of 1977;

(v) the Carl D. Perkins Vocational and Applied Technology Education Act;

(vi) subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965;

(vii) titles I, III and VI of the Rehabilitation Act of 1973; and

(viii) Veterans Vocational Training programs; and

(B) representatives of local business, labor, education and community-based organization and other interested individuals and organizations.

(3) The private industry council shall prepare the Job Training 2000 plan in a manner consistent with requirements of section 101(d)(2).

(b) CONTENTS.—Each Job Training 2000 plan shall—

(1) describe the procedures used to designate the skill centers authorized under title II of this Act (including the information required under section 205(a)), and include a copy of the charter designating such skill centers pursuant to section 205(d);

(2) describe the procedures used to develop and administer the written agreement required under section 206 between the skill centers and participating programs, and include a copy of such written agreement;

(3) describe the procedures to be used to monitor the performance of the skill centers with respect to the performance standards established under section 207, and the measures to be taken to improve performance;

(4) describe goals and objectives, in addition to the performance standards, for the operation of the skills centers;

(5) describe the procedures for implementing the certification system authorized under title III of this Act, including—

(A) the arrangements for obtaining the information necessary to determine whether a vocational training program meets applicable certification criteria; and

(B) the administrative arrangements made to assist the private industry councils pursuant to section 305(c)(3);

(6) describe the goals and objectives for the operation of the certification system;

(7) describe the procedures for implementing the voucher system authorized under title IV of this Act, including—

(A) the procedures for developing the written agreement required under section 403(b), and include a copy of such written agreement; and

(B) the procedures for verifying a participant's retention in employment in order to ensure compliance with the withholding requirements under section 404(b);

(8) describe the goals and objectives for the operation of the voucher system;

(9) include such other planning information as the private industry council, in consultation with the parties described in subsection (a)(2), deems appropriate; and

(10) include such information as the Governor deems appropriate relating to the activities carried out under this Act during the preceding two-year period.

(c) REVIEW AND APPROVAL.—(1) The Job Training 2000 plan shall be made available to the representatives of the programs and organizations described in subsection (a)(2) and to the general public for review and comment prior to submission to the Governor.

(2) The Job Training 2000 plan shall be submitted to the Governor for approval and a copy of such plan shall be submitted to the State Human Resource Investment Council established under section 111 of this Act to facilitate its review for purposes of advising the Governor.

(3) The Governor shall approve the Job Training 2000 plan unless the Governor determines that—

(A) the plan does not comply with the provisions of this Act or provisions of other laws;

(B) the plan lacks sufficient provisions to ensure the coordination of services or to minimize the duplication of services; or

(C) the private industry council did not engage in sufficient consultations with representatives of the community or Federal vocational programs as required by subsection (a)(2) in preparing the plan.

(4) The Governor shall approve or disapprove a Job Training 2000 plan within 30 days after the plan is submitted. Any disapproval by the Governor may be appealed within 30 days to the Federal Council, which shall make the final decision of whether the Governor's disapproval complies with paragraph (3).

(5) Upon disapproval of the plan, the private industry council shall be provided an opportunity to modify the plan as necessary to obtain approval. If such modification is not submitted within 45 days after a notice of disapproval, or if an appeal was filed, after the denial of such appeal, the Governor shall impose a reorganization plan, which may include—

(i) restructuring the private industry council involved; or

(ii) making such other changes as the Governor determines to be necessary to ensure the submission of an approvable plan.

(6) The actions taken by the Governor under paragraph (5) may be appealed to the Secretary of Labor who shall make a final decision within 60 days of the receipt of the appeal.

(7) Upon approval of a Job Training 2000 plan by the Governor, the Secretary shall submit the plan to the Secretary of Labor to determine, in consultation with the Federal Council, compliance of the plan with this Act. If the Secretary of Labor does not act within 30 days to overturn the Governor's decision, the Job Training 2000 plan shall become effective as submitted.

SEC. 132. PRIVATE INDUSTRY COUNCIL REPORT.

(a) IN GENERAL.—Each private industry council shall submit to the Governor and the State Human Resource Investment Council an annual report relating to the activities undertaken in the service delivery area pursuant to this Act.

(b) CONTENTS.—The report required under subsection (a) shall be in accord with reporting requirements established by the Governor in consultation with the Federal Council and include information relating to the achievement of the goals specified in the Job Training 2000 plan.

TITLE II—SKILL CENTERS

SEC. 201. PURPOSE.

The purpose of this title is to establish a network of local skill centers to—

(1) improve access of individuals to vocational training by designating local common points of entry to vocational training programs;

(2) better inform individuals regarding employment opportunities, local labor market conditions and the performance of local vocational training programs;

(3) facilitate the matching of local employers with potential employees who meet hiring qualifications and workforce skill needs; and

(4) encourage greater coordination and minimize duplication of services between Federally funded vocational training programs.

SEC. 202. ESTABLISHMENT OF SKILL CENTERS.

(a) IN GENERAL.—Each private industry council, in accordance with the consultation procedures described in section 205, shall designate a network of skill centers in each service delivery area.

(b) ELIGIBLE ENTITIES.—Any entity or consortium of entities located in the service delivery area may apply, in accordance with the procedures described in section 205, to be designated as a Skill Center under this title. Such entities may include Employment Service offices, community colleges, commu-

nity-based organizations, administrative entities under the Job Training Partnership Act, and other interested organizations and entities.

SEC. 203. FUNCTIONS OF SKILL CENTERS.

(a) CORE SERVICES.—Each skill center designated pursuant to this title shall make available the following services:

(1) a preliminary assessment of the skill levels and service needs of each individual, which may include such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes and supportive service needs;

(2) information relating to local occupations in demand and the earnings and skill requirements for such occupations;

(3) information relating to youth and adult apprenticeship opportunities;

(4) information relating to local, regional and national labor markets, including job vacancy listings in such markets;

(5) career counseling and career planning based on the preliminary assessment described in paragraph (1);

(6) employability development, which may include assistance in the preparation of resumes, job interview techniques, and work deportment;

(7) information relating to federally funded education and job training programs, including the eligibility requirements of and services provided by such programs;

(8) information relating to vocational training programs available within the service delivery area, including information relating to the performance of local providers and programs with respect to the performance standards established by the Secretary of Education under title II of this Act;

(9) intake for the participating programs described in section 204;

(10) referrals to agencies and programs providing basic skills and adult literacy services, vocational training, and supportive services;

(11) referrals to local employment opportunities;

(12) accepting job orders submitted by employers in the service delivery area;

(13) issuance of vocational training vouchers to eligible individuals pursuant to title IV of this Act; and

(14) job search and placement assistance.

(b) ENHANCED SERVICES.—Each skill center designated pursuant to this title may, in accordance with the written agreement provided in section 206, make available the following services:

(1) comprehensive and specialized assessments of the skill levels and service needs of individuals, using specified tests and other assessment tools;

(2) development of service strategies and employability development plans, which identify the employment goals, appropriate achievement objectives and appropriate services for an individual taking into account assessments of such individual's skill levels and service needs;

(3) case management for individuals participating concurrently in more than one program;

(4) follow-up job counseling for individuals placed in training or employment; and

(5) other services as specified in the agreement.

(c) SPECIALIZED EMPLOYER SERVICES.—Each skill center designated pursuant to this title may provide to employers on a fee-for-service basis the following services:

(1) customized screening and referral of individuals for employment;

(2) customized assessment of skill levels of the employer's current employees;

(3) analysis of the employer's workforce skill needs; and

(4) other specialized employment and training services.

(d) PROGRAM INCOME.—All program income received by a skill center from the fees collected under subsection (c) shall be used to expand or enhance the services provided by such skill center.

SEC. 204. PARTICIPATING PROGRAMS.

(a) MANDATORY.—Programs authorized under the following provisions of law shall participate in the operation of the skill centers in accordance with the requirements of section 206:

(1) title II and part B of title IV of the Job Training Partnership Act;

(2) the Wagner-Peyser Act;

(3) part F of title IV of the Social Security Act (JOBS) (only for participants referred for vocational training as described in section 205(c)(3));

(4) part D of title II of the Carl D. Perkins Vocational and Applied Technology Education Act;

(5) section 6(d)(4) of the Food Stamp Act of 1977 (only for participants referred for vocational training as described in section 206(c)(3));

(6) Chapter 41 of title 38, United States Code; and

(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965.

(b) VOLUNTARY.—In addition to the programs described in subsection (a), other programs providing basic skills, literacy or vocational training may participate in the operation of a skill center as a party to the agreement described in section 206 if the private industry council and the other participating programs approve such participation.

SEC. 205. DESIGNATION PROCEDURES.

(a) PUBLICATION.—The private industry council shall publish, in a manner that is generally available, information to notify organizations and individuals in the service delivery area of—

(1) the application procedure for any entity or consortium of entities in the service delivery area to seek designation as a skill center, including when and where such application is to be submitted and what information such application is to contain;

(2) the consultation process, consistent with the requirements of subsection (b), that will be conducted;

(3) the criteria for selection, consistent with the requirements of subsection (c), that will be used; and

(4) other information deemed relevant to the designation and administration of the skill center, including information relating to the development of the charter, consistent with subsection (d), and the written agreement, consistent with section 206.

(b) CONSULTATION.—(1) The private industry council shall conduct a consultation process to obtain information and advice regarding the designation of skill centers under this title. Such consultations may include meetings, conferences, requests for written comments and other appropriate opportunities for providing views.

(2) The consultations required under paragraph (1) shall be conducted with local elected officials, community and business leaders, representatives of voluntary organizations, representatives from the participating programs described in section 204, service providers, and other interested organizations and individuals.

(c) SELECTION CRITERIA.—(1) The private industry council, in accordance with guidelines issued by the Federal Council, shall to the extent practicable use objective criteria and methods in assessing applications submitted pursuant to this section for designation as a skill center.

(2) An applicant may not be designated as a skill center under this title unless such applicant demonstrates to the satisfaction of the private industry council the ability to:

(A) provide the services described in section 203;

(B) serve the general public and provide barrier-free access to individuals with disabilities;

(C) utilize automated information systems;

(D) establish linkages with the State Occupational Information Coordinating Committee;

(E) provide services effectively to disadvantaged populations; and

(F) meet such other requirements as the private industry council deems appropriate.

(d) CHARTER.—The private industry council shall issue a charter designating the skill centers in the service delivery area. Such charter shall—

(1) designate the number and location of the skill centers;

(2) identify the entity or entities administering the skill centers;

(3) specify the term of the charter; and

(4) include such other conditions as the private industry council, through the consultation process described in subsection (b), determines is appropriate.

SEC. 206. AGREEMENT WITH PARTICIPATING PROGRAMS.

(a) IN GENERAL.—(1) The skill centers designated pursuant to section 205 shall enter into a written agreement with the private industry council and participating programs described in section 204 concerning the operation of the skill centers. The Governor shall oversee the development of such agreement and ensure the agreement meets the requirements of this section.

(2)(A) The requirements of paragraph (1) shall not be applicable to the programs authorized under subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965. The participation of such programs under this title shall be the referral of students to the skill centers as required by sections 485 and 487 of such Act.

(B) The requirement of paragraph (1) shall not be applicable to the program authorized under part D of title II of the Carl D. Perkins Vocational and Applied Technology Education Act. The participation of such program under this title shall be the use of the skill centers to issue vouchers in accordance with section 253 of such Act.

(b) CONTENTS.—The written agreement required under subsection (a) shall contain the following:

(1) assurances that, except as provided in subsection (c), participating programs shall provide only through the skill centers the following services—

(A) all core services described in section 203(a); and

(B) those enhanced services described in section 203(b) which are specified in the agreement;

(2) methods for referral of individuals by the skill centers to the appropriate services and programs;

(3) the financial and nonfinancial contributions to be made to the skill center by each participating program, which shall be based on the types of services to be provided and the number of participants served by the skill centers from each participating program;

(4) methods of administration, including provisions for monitoring and oversight of the skill centers and of this agreement;

(5) a description of how services are to be provided by the skill centers, including the methods and appropriate test instruments to be used to assess the skill levels of individuals;

(6) the procedures to be used to ensure compliance with the statutory and regulatory requirements of the participating programs;

(7) the duration of the agreement and the procedures for amending the agreement during its term; and

(8) such other provisions, consistent with the requirements of this title, that the parties deem appropriate.

(c) EXCEPTIONS.—(1) The agreement under this section may allow core services relating to job listings and job placement to be carried out by the participating programs in addition to being provided by the skill centers.

(2) In addition to the exception under paragraph (1), the agreement may allow a participating program to directly provide one or more additional core services if—

(A) the program is a voluntary participating program under section 204(b); or

(B) the private industry council determines that due to the geographic size or rural location of the service delivery area, the requirements of subsection (b)(1)(A) would unreasonably restrict access to core services by participants of the program.

(3) The requirements of subsection (b)(1) relating to the provision of services through the skill centers shall apply, for purposes of programs authorized under part F of title IV of the Social Security Act (JOBS) and section 6(d)(4) of the Food Stamp Act of 1977, only to those participants who have been determined by such programs to need vocational training and only for services required subsequent to such determination.

SEC. 207. PERFORMANCE STANDARDS.

(a) IN GENERAL.—The Secretary of Labor, in consultation with the Federal Council, shall prescribe performance standards relating to skill centers designated under this title. Such standards shall be based on factors the Secretary of Labor deems appropriate, which:

(1) shall include—

(A) placement, retention and earnings in unsubsidized employment;

(B) placement in appropriate vocational training programs;

(C) completion of training or achievement of educational objectives; and

(D) meeting the needs of the local labor market as described in the local plan under section 131; and

(2) may include other measures, such as the quality of services provided.

(b) ADJUSTMENTS AND ADDITIONS.—(1) Each Governor may, within parameters established by the Secretary of Labor in consultation with the Federal Council, prescribe adjustments to the performance standards prescribed under section (a) for the skill centers established in the State based on—

(A) specific economic, geographic and demographic factors in the State and in service delivery areas within the State; and

(B) the characteristics of the population to be served, including the demonstrated difficulties in serving special populations.

(2) Each Governor may prescribe performance standards for the skill centers established in the State in addition to the standards prescribed under subsection (a).

(3) The adjustments and additions prescribed by the Governor pursuant to this subsection shall be described in the annual report submitted to the Federal Council pursuant to section 122.

(c) FAILURE TO MEET STANDARDS.—

(1) UNIFORM CRITERIA.—The Secretary of Labor, in consultation with the Federal Council, shall establish uniform criteria for determining whether a skill center fails to meet performance standards under this section.

(2) TECHNCAL ASSISTANCE.—The private industry council and the Governor shall provide technical assistance to skill centers failing to meet performance standards under the uniform criteria established under paragraph (1).

(3) REPORT ON PERFORMANCE.—Each Governor shall include in the report to the Federal Council required under section 122 the final performance standards and performance for each skill center within the State, along with the technical assistance planned and provided as required under paragraph (2).

(4) REDESIGNATION.—If a skill center continues to fail to meet such performance standards for 2 consecutive program years, the Governor shall notify the Secretary and the skill center of the continued failure, and shall direct the private industry council to—

(A) rescind the charter designating the skill center under section 205(d); and

(B) designate another entity as a skill center in accordance with the requirements of section 205.

(5) APPEAL.—A skill center that is the subject of a redesignation under paragraph (4) may, within 30 days after receiving notice thereof, appeal to the Secretary of Labor to rescind such action. The Secretary of Labor shall issue a decision on the appeal within 30 days of its receipt.

(d) INCENTIVE GRANTS.—From funds available under section 7(b)(1) of the Wagner-Peyser Act and section 202(b)(3)(B) of the Job Training Partnership Act, the Governor of each State may award incentive grants to the skill centers in the State exceeding the performance standards established under this section. Such grants may be used by the skill centers to enhance or expand the services provided under this title.

TITLE III—CERTIFICATION SYSTEM FOR FEDERAL VOCATIONAL TRAINING

SEC. 301. PURPOSE

It is the purpose of this title to—

(1) ensure that only high quality vocational training programs are eligible to receive Federal funds;

(2) establish performance standards to increase the effectiveness of vocational training programs; and

(3) promote the availability of information on the local level regarding the performance of vocational training programs.

SEC. 302. ALLOCATION OF FUNDS.

The amounts appropriated pursuant to section 4 for each fiscal year shall be allocated by the Secretary of Education to the States and private industry councils to assist in carrying out this title. Such allocations shall be based on factors the Secretary of Education, in consultation with the Federal Council, deems appropriate.

SEC. 303. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—(1) In order to be eligible to receive Federal funds under the programs listed in subsection (b), a vocational training program provided by an institution or other service provider shall be certified in accordance with the requirements of this title.

(2) The requirement of paragraph (1) shall not apply to an on-the-job training program.

(b) COVERED PROGRAMS.—The certification requirement contained in subsection (a)(1) shall apply with respect to a vocational training program's eligibility to receive Federal funds provided pursuant to programs under:

(1) titles II and III of the Job Training Partnership Act;

(2) section 6(d)(4) of the Food Stamp Act of 1977;

(3) part F of title IV of the Social Security Act (JOBS);

(4) part D of title II and part E of title III of the Carl D. Perkins Vocational and Applied Technology Education Act (postsecondary vocational education);

(5) subparts I and II of part A and parts B, C, and E of title IV of the Higher Education Act of 1965;

(6) titles I, III and VI of the Rehabilitation Act of 1973;

(7) Veterans Vocational Training programs;

(8) the Refugee Assistance Act; and

(9) chapter 2 of the Trade Act of 1974 (TAA).

SEC. 304. CERTIFICATION CRITERIA.

(a) IN GENERAL.—The Secretary of Education, in consultation with the Federal Council, shall prescribe performance standards for vocational training programs provided by an institution or other service provider. Such performance standards shall not be revised more frequently than once every two years and shall address:

(1) the financial responsibility of the institution conducting the program;

(2) the reasonableness of the program's cost;

(3) the rates of withdrawal by students from the program;

(4) the rates of student loan default at the institution conducting the program;

(5) the rates of licensure of graduates of the program, if applicable; and

(6) the rates of placement and retention in employment and the earnings of graduates of the program;

(b) ADDITIONAL STANDARDS.—The Secretary of Education in consultation with the Federal Council, may, in addition to the standards prescribed in subsection (a), prescribe standards based on other measures of the effectiveness of the program in meeting the special needs of disadvantaged students and in preparing students for employment, including, where appropriate, the preparation of students to meet relevant industry skill standards.

(c) MODIFICATIONS.—The private industry council may modify the levels for successful performance under each performance standard established pursuant to subsection (a) if:

(1) the private industry council determines local conditions justify such modifications;

(2) the modification is approved by the State agency designated under section 305(a); and

(3) the modification is approved by the Secretary of Education, in consultation with the Federal Council.

SEC. 305. CERTIFICATION PROCEDURES.

(a) STATE AGENCY.—

(1) DESIGNATION.—(A) Each State shall designate an entity which shall serve as the single State agency for the purpose of certifying vocational training programs in the State under this title.

(B) If a single State agency has been designated for the purpose of approving programs under title IV of the Higher Education Act of 1965, such agency shall be the designated agency under subparagraph (A).

(2) DATA COLLECTION.—The State agency designated under this subsection shall annually collect and analyze information from

vocational training programs in the State relating to the performance of such programs with respect to the standards prescribed under section 304. The State agency shall report a summary of such information to the Governor for inclusion in the report to the Federal Council required under section 122.

(3) GUIDELINES.—The State agency designated under this subsection shall issue guidelines relating to procedures to be used by the private industry councils to carry out certifications under subsection (c)(3).

(b) APPLICATION.—Each vocational training program desiring certification under this title shall submit an application to the State agency designated under subsection (a) at such time, in such manner, and containing or accompanied by such information as the State agency may reasonably require.

(c) PRIVATE INDUSTRY COUNCIL ROLE.—

(1) NOTIFICATION.—The State agency designated under subsection (a) shall notify the private industry council for the service delivery area in which the vocational training program submitting an application under subsection (b) is located of such application and shall transmit appropriate information collected and analyzed pursuant to subsection (a)(2) to such private industry council.

(2) CERTIFICATION.—The private industry council receiving notification under paragraph (1) shall certify to the State agency designated under subsection (a) whether the vocational training program meets the performance standards established under section 304. In making this certification, the private industry council shall consider the information transmitted by the State agency under paragraph (1) and such other information as the private industry council deems appropriate.

(3) ADMINISTRATION.—In order to enhance its capacity to carry out the responsibilities described in paragraph (2), a private industry council may—

(A) utilize the staff of the skill centers designated under title II of this Act or staff of other entities pursuant to an agreement with such skill centers or entities; or

(B) establish a consortium with other private industry councils in the State.

(d) APPROVAL OF APPLICATION.—(1) Upon receiving the certification from the private industry council, consistent with the guidelines issued under subsection (a)(3), that the vocational training program meets the performance standards prescribed under section 304, the State agency designated under subsection (a) shall approve the application submitted by such program and certify such program as eligible to receive Federal funds under the programs listed in section 303(b).

(2) Except as provided in paragraphs (3) and (4), the certification issued by the State agency under paragraph (1) shall remain in effect for two years from the date it was issued.

(3) The State agency shall require recertification of a vocational training program whenever—

(A) the ownership of the school providing certified program changes;

(B) the State agency or private industry council becomes aware of a substantial change in the operations of the program; or

(C) such other information comes to the attention of the State agency which in its judgment requires review of program certification.

(4) In accordance with regulations promulgated by the Secretary of Education, in consultation with the Federal Council, the State agency shall have the authority to suspend program certification on an emergency basis not to exceed 90 days when it has reason to believe such action is necessary to protect students or prevent misuse of Federal or State funds. During such period, the State agency and the private industry council shall carry out an expedited recertification.

(e) APPEAL.—(1) The Governor of each State shall establish a procedure for vocational training programs to appeal a finding by the private industry council and the State agency which results in a denial of an application for certification. Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(2) The Secretary of Education shall establish a procedure for vocational training programs to submit an appeal denied by the Governor pursuant to paragraph (1) to the Secretary of Education for final decision. Such procedures shall include appropriate time limits to ensure a prompt resolution of the appeal.

(3) The Secretary of Education may, in the Secretary's sole discretion, review the private industry council's decision regarding certification of a vocational training program. The Secretary shall establish by regulation such procedure as are necessary to carry out this subsection.

(f) CONFLICT OF INTEREST.—Consistent with guidelines issued by the Federal Council, the Governor of each State shall prescribe and implement standards to ensure that no member or staff of a private industry council or other individual or entity involved in the certification process engages in any actual or apparent conflict of interest relating to the certification of a vocational training program under this title.

(g) DISSEMINATION.—The private industry council shall disseminate the information obtained under this section relating to the performance of vocational training programs to the skill centers established under title II of this Act.

TITLE IV—VOCATIONAL TRAINING VOUCHER SYSTEM

SEC. 401. PURPOSE.

It is the purpose of this title to—

(1) enhance the choices available to participants in vocational training programs; and

(2) promote competition among providers of vocational training and thereby enhance the quality of such training.

SEC. 402. VOUCHERED SERVICES.

(a) IN GENERAL.—(1) Vocational training and related services provided to individuals from funds under the programs listed in subsection (b) shall only be provided through the voucher system established by this title.

(2) For purposes of this title, the term "related services" means services provided by a single service provider as part of a package or services which includes vocational training.

(b) COVERED PROGRAMS.—The requirements of subsection (a) shall apply to funds provided under:

(1) titles II and III of the Job Training Partnership Act;

(2) section 6(d)(4) of the Food Stamp Act of 1977; and

(3) part D of title II of the Carl D. Perkins Vocational and Applied Technology Education Act.

(c) ADDITIONAL SERVICES.—In addition to vocational training and related services, the programs listed in subsection (b) may provide other services through the voucher system established under this title. Such additional services shall be identified in the agreement required under section 403(b).

(d) ADDITIONAL PROGRAMS.—In addition to the programs listed in subsection (b), other Federal vocational training programs may, consistent with the laws governing such programs, participate in the voucher system established under this title if the private industry council approves such participation.

SEC. 403. ADMINISTRATION.

(a) IN GENERAL.—The private industry council shall be responsible for overseeing the establishment and operation of the voucher system under this title.

(b) AGREEMENT.—The private industry council, after consultation with local providers of vocational training, shall enter into a written agreement with the skill centers established pursuant to title II and the local agencies responsible for the administration of the covered programs described in section 402(b) and the additional programs described in section 402(d) specifying:

(1) common procedures for the issuance of vouchers under this title;

(2) the financial and management information systems to be used to administer the voucher system under this title;

(3) the payment schedules relating to the vouchers issued under this title, including payments for vocational training courses in which a participant enrolled and attended but did not complete;

(4) such conditions as are necessary to ensure compliance with the statutory and regulatory requirements of covered programs; and

(5) such other conditions, consistent with the requirements of this title, that the parties deem appropriate.

SEC. 404. VOUCHER CONDITIONS.

(a) CONTENTS.—Except as provided in section 405, vouchers issued under this title shall contain:

(1) an expiration date;

(2) a limitation that the voucher is only redeemable for programs certified under title III of this Act;

(3) the program of study for which the participant may use the voucher;

(4) a maximum allowable dollar amount;

(5) a payment schedule; and

(6) such other conditions as specified in the agreement reached under section 403(b).

(b) WITHHOLDING.—(1) At least twenty percent of the total payment for the vocational training provided by a service provider to a participant pursuant to a voucher issued under this title shall be withheld from such provider until—

(A) the participant has successfully completed the training; and

(B) the participant has been employed and retained employment for a period not less than ninety days.

(2) The Secretary of Labor, in consultation with the Federal Council, shall issue regulations implementing paragraph (1).

(c) LIMITATION ON OUTSTANDING AMOUNTS.—The total dollar amount of the outstanding vouchers issued in a service delivery area by a program listed in section 402(b) shall not exceed the amount of funds available to such program in such area.

(d) EXPIRATION.—If a voucher is not redeemed by the expiration date specified on th voucher, the voucher shall be invalid.

SEC. 405. ON-THE-JOB TRAINING VOUCHERS.

(a) IN GENERAL.—Vouchers issued under this title for on-the-job training shall:

(1) contain the information described in paragraphs (1), (4), and (5) of section 404(a);

(2) specify a particular occupational area for which the participant may use the voucher;

(3) be redeemable only by employers who have available positions approved by the respective covered program in such occupational area; and

(4) contain such other conditions as are specified in the agreement under section 403(b).

(b) EXCEPTION.—The withholding requirement contained in section 404(b) shall not apply to vouchers issued under this section.

(c) OTHER CONDITIONS.—The conditions specified in subsections (c) and (d) of section 404 shall apply to vouchers issued under this section.

SEC. 406. CONTRACT EXCEPTION.

(a) IN GENERAL.—Vocational training and related services provided under a program described in section 402(b) may be provided pursuant to a contract for services in lieu of a voucher if the private industry council approves a request submitted by the program based on a finding that—

(1) there are an insufficient number of providers of vocational training and related services in the service delivery area to accomplish the purposes of the voucher system; or

(2) vocational training programs in the service delivery area are unable to provide effective services to special participant populations, such as individuals with severe disabilities and substance abusers.

(b) OVERSIGHT.—The Governor may direct a private industry council to rescind permission to contract for direct services under subsection (a) if the Governor determines that there was an insufficient basis for the private industry council's findings.

TITLE V—CONFORMING AMENDMENTS TO OTHER ACTS

SEC. 501. DUTIES OF STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO APPLICABLE PROGRAMS.

(a) DUTIES UNDER THE ADULT EDUCATION ACT.—(1) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) by amending the section heading to read as follows:

"SEC. 332. DUTIES OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO ADULT EDUCATION AND LITERACY.";

(B) by amending subsection (a) to read as follows:

"(a)(1) Any State desiring to participate in the programs authorized by this title shall establish a State human resource investment council as required by section 111(a) of the Job Training 2000 Act and shall require such council to act as a State advisory council on adult education and literacy.

"(2) A State that complies with the requirements of paragraph (1) may use funds under this subpart for the purposes of costs of the council attributable to this section.";

(C) by striking subsection (b);

(D) by redesignating subsection (c) as subsection (b);

(E) in subsection (b) (as redesignated by subparagraph (D) of this paragraph)—

(i) by striking "and membership"; and

(ii) by striking "State advisory council" and inserting "State human resource investment council";

(F) by striking subsections (d) and (e);

(G) by redesignating subsection (f) as subsection (c); and

(H) in subsection (c) (as redesignated by subparagraph (G) of this paragraph), by striking "State advisory council" and inserting "State human resource investment council".

(2)(A) Paragraph (2) of section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is amended by striking "the State advisory council established pursuant to section 332" and inserting "the State human resource investment council".

(B) Subsection (a) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

(i) in paragraph (1), by striking "the State advisory council" and all that follows and inserting "the State human resource investment council"; and

(ii) in subparagraph (B) of paragraph (3)—

(I) in the first sentence, by striking "the State advisory council" and all that follows and inserting "the State human resource investment council"; and

(II) in the second and third sentences, by striking "the State advisory council" each place it appears and inserting "the State human resource investment council".

(C) Section 312 of the Adult Education Act (20 U.S.C. 1201a) is amended by adding at the end the following new paragraph:

"(16) The term 'State human resource investment council' means the State human resource investment council described in section 332(a).".

(b) DUTIES UNDER THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—(1) Section 112 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2322) is amended—

(A) by amending the section heading to read as follows:

"SEC. 112. DUTIES OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO VOCATIONAL EDUCATION.".

(B) by striking "SEC. 112.";

(C) by amending subsection (a) to read as follows:

"(a) Each State which desires to participate in vocational education programs authorized by this Act for any fiscal year shall establish a State human resource investment council as required by section 111(a) of the Job Training 2000 Act and shall require such council to act as the State council on vocational education.";

(D) in subsection (b)—

(i) by striking "and membership", and

(ii) by striking "State council" and inserting "State human resource investment council";

(E) by striking subsection (c);

(F) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(G) in subsection (c) (as redesignated by subparagraph (F) of this paragraph)—

(i) by striking "State council" and inserting "State human resource investment council,"; and

(ii) in subparagraph (D) of paragraph (10), by striking "the State job training coordinating council,";

(H) in subsection (d) (as redesignated by subparagraph (F) of this paragraph)—

(i) by striking "State council" and inserting "State human resource investment council"; and

(ii) by striking "Council" and inserting "council"; and

(I) in subsection (e) (as redesignated by subparagraph (F) of this paragraph)—

(i) in paragraph (1), by striking "State councils" each place it appears and inserting "State human resource investment councils"; and

(ii) in paragraphs (1) and (2), by striking "State council" each place it appears and inserting "State human resource investment council".

(2) Section 111 of the Carl D. Perkins Vocational and Applied Technology Education Act is amended—

(A) in paragraph (1) of subsection (a)—

(i) in subparagraph (B) by striking "State council on vocational education" and inserting "State human resource investment council"; and

(ii) in subparagraph (C), by striking "State council established pursuant to section 112" and inserting "State human resource investment council"; and

(iii) in subparagraph (E)—

(I) by striking "the State job training coordinating council" and inserting "the State human resource investment council"; and

(II) by striking "their respective programs" and inserting "programs under this Act and programs under the Job Training Partnership Act"; and

(B) in the first sentence of subsection (g), by striking "State council" and inserting "State human resource investment council"; and

(3) The table of contents contained in section 1 of the Act is amended by striking the item relating to section 112 and inserting the following:

"Sec. 112. Duties of the State human resource investment council with respect to vocational education.

(c) DUTIES UNDER THE JOB TRAINING PARTNERSHIP ACT.—

(1) Section 122 of the Job Training Partnership Act is amended in the section heading by striking "STATE JOB TRAINING COORDINATING COUNCIL" and inserting in lieu thereof "STATE HUMAN RESOURCE INVESTMENT COUNCIL".

(2) Section 122(a) of the Job Training Partnership Act is amended—

(A) by amending paragraph (1) to read as follows:

"(1) Any State which desires to receive financial assistance under this Act shall establish a State human resource investment council as required by section 111(a) of the Job Training 2000 Act and shall require such council to act as a State job training coordinating council. Funding for the duties of the council under this Act shall be provided pursuant to section 202(b)(4).";

(B) by striking paragraphs (2), (3), and (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (2), (3), and (4), respectively;

(C) in paragraph (2) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council";

(D) in paragraph (3) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council, in carrying out its duties under this Act,"; and

(E) in paragraph (4) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council relative to carrying out its duties under this Act.".

(d) DUTIES UNDER THE REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by inserting after section 18 the following new section:

"STATE HUMAN RESOURCE INVESTMENT COUNCIL

"SEC. 19. The State human resource investment council established under section 111(a) of the Job Training 2000 Act shall review the provision of services and the use of funds and resources under this Act and advise the governor on methods of coordinating such provision of services and the use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(3) the Job Training Partnership Act;
"(4) the Wagner-Peyser Act;
"(5) Part F of title IV of the Social Security Act (JOBS);
"(6) Section 6(d)(4) of the Food Stamp Act of 1977."
"(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965; and
"(8) Veterans Vocational Training programs.".

(e) DUTIES UNDER THE WAGNER-PEYSER ACT.—The Wagner-Peyser Act (29 U.S.C. 49) is amended—

(1) by redesignating section 15 as section 16; and

(2) by inserting after section 14 the following new section:

"SEC. 15. The State human resource investment council established under section 111(a) of the Job Training 2000 Act shall review the provision of services and the use of funds and resources under this Act and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—
"(1) the Adult Education Act;
"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;
"(3) the Job Training Partnership Act;
"(4) the Rehabilitation Act of 1973;
"(5) Part F of title IV of the Social Security Act (JOBS);
"(6) Section 6(d)(4) of the Food Stamp Act of 1977;
"(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965; and
"(8) Veterans Vocational Training programs.";

(3) in subsection (b) of section 8 by striking "State job training coordinating council" and inserting "State human resource investment council";

(4) in subsection (a) of section 11 by striking "State job training coordinating council" and inserting "State human resource investment council".

(f) DUTIES UNDER PART F OF TITLE IV OF THE SOCIAL SECURITY ACT—Section 483 of the Social Security Act (42 U.S.C. 683) is amended by:

(1) inserting after subsection (c) the following new subsection:

"(d) In order to assist the Governor in carrying out subsection (a) of this section, the State human resource investment council established under section 111(a) of the Job Training 2000 Act shall review the provision of services and the use of funds and resources under this part and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—
"(1) the Adult Education Act;
"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;
"(3) the Job Training Partnership Act;
"(4) the Rehabilitation Act of 1973;
"(5) the Wagner-Peyser Act; and
"(6) Section 6(d)(4) of the Food Stamp Act of 1977;
"(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965; and
"(8) Veterans Vocational Training programs.";

(2) in paragraphs (2) and (3) of subsection (a) by striking "State job training coordinating council" each place it appears and inserting "State human resource investment council."

(g) DUTIES UNDER SECTION 6(d)(4) OF THE FOOD STAMP ACT OF 1977.—Section 6(d)(4) of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subparagraph:

"(O) The State human resource investment council established under section 111(a) of the Job Training 2000 Act shall review the provision of services and the use of funds and resources under this paragraph and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—
"(1) the Adult Education Act;
"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;
"(3) the Job Training Partnership Act;
"(4) the Rehabilitation Act of 1973;
"(5) the Wagner-Peyser Act; and
"(6) Part F of title IV of the Social Security Act (JOBS);
"(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965; and
"(8) Veterans Vocational Training programs.";

SEC. 502. JOB TRAINING PARTNERSHIP ACT AMENDMENTS.

(a) CERTIFICATION REQUIREMENT.—Section 107 of the Job Training Partnership Act is amended by adding at the end thereof the following new subsection:

"(e) In order to be eligible to receive funds under titles II and III, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act.".

(b) INCENTIVE GRANTS AND TECHNICAL ASSISTANCE.—Section 202(b)(3)(B) is amended by—

(1) inserting after the second sentence the following:

"Incentive grants under this subparagraph may also be awarded to the skill centers established under title II of the Job Training 2000 Act for exceeding the performance standard established by the Secretary under section 207 of such Act."; and

(2) inserting "and to skill centers established under title II of the Job Training 2000 Act" after "technical assistance to service delivery areas".

(d) TITLE II–A AMENDMENTS—Section 204 of the Job Training Partnership Act is amended by adding at the end thereof the following new subsections:

"(C) SKILL CENTERS—The administrative entity for programs under this part shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the administrative entity shall—

"(1) ensure that the program under this part shall provide only through the skill centers any of the following services authorized under this part:

"(A) the core services described in section 203(a) of the Job Training 2000 Act, unless such services are excepted pursuant to section 203(c) of such Act; and

"(B) those enhanced services described in section 203(b) of such Act that are specified in the written agreement;

"(2) transfer sufficient financial and nonfinancial resources available under this part to the skill centers to provide the services described in paragraph (1) to participants in programs under this part; and

"(3) comply with the other requirements of such section 206.

"(d) VOUCHERED SERVICES—(1) Vocational training provided under this part shall be provided only through the voucher system established under title IV of the Job Training 2000 Act.

"(2) In addition to the training described under paragraph (1), other services under this part may be provided through such voucher system.

"(3) The administrative entity under this part shall enter into the written agreement specified in section 403(b) of the Job Training 2000 Act relating to the administration of the voucher system.".

(d) TITLE II—B AMENDMENTS.—Section 253 of the Job Training Partnership Act is amended by adding at the end thereof the following new subsections:

"(c) SKILL CENTERS.—The administrative entity for programs under this part shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the administrative entity shall—

"(1) ensure that the program under this part shall provide only through the skill enters any of the following services authorized under this part:

"(A) the core services described in section 203(a) of the Job Training 2000 Act, unless such services are excepted pursuant to section 203(c) of such Act; and

"(B) those enhanced services described in section 203(b) of such Act that are specified in the written agreement;

"(2) transfer sufficient financial and nonfinancial resources available under this part to the skill centers to provide the services described in subparagraph (A) to participants in programs under this part; and

"(3) comply with the other requirements of such section 206.

"(d) VOUCHERED SERVICES.—(1) Vocational training provided under this part shall be provided only through the voucher system established under title IV of the Job Training 2000 Act.

"(2) In addition to the training described under paragraph (1), other services under this part may be provided through such voucher system.

"(3) The administrative entity under this part shall enter into the written agreement specified in section 403(b) of the Job Training 2000 Act relating to the administration of the voucher system.".

"(e) DISLOCATED WORKER PROGRAM.—Section 314 of the Job Training Partnership Act is amended by adding at the end thereof the following new subsection:

"(h) VOUCHERED SERVICES.—(1) Vocational training provided under this part shall be provided only through the voucher system established under title IV of the Job Training 2000 Act.

"(2) In addition to the training described under paragraph (1), other services provided under this part may be provided through such voucher system.

"(3) The substate grantee under this part shall enter into the written agreement specified in section 403(b) of the Job Training 200 Act relating to the administration of the voucher system.".

"(f) JOB CORPS.—Section 424(a) is amended by striking the second and third sentences and inserting the following:

"These rules shall be implemented through arrangements with the skill centers established under title II of the Job Training 2000 Act. Such arrangements may include the

placing of individuals designated by the Secretary at the skill centers to carry out screening and selection activities.".

(2) Section 424(b) is amended to read as follows:

"(b) The Secretary shall transfer sufficient financial and nonfinancial resources, which may include the placement of personnel, to the skill centers established under title II of the Job Training 2000 Act to carry out this section.".

(2) Section 428 is amended by adding at the end thereof the following new subsection:

"(e) In order to be eligible to enter into a contract with a Job Corps Center to provide vocational training at a location outside the center, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act.".

(4) Section 432(b) is amended by inserting "or the skill centers established under title II of the Job Training 2000 Act, if appropriate," after "public employment service system".

SEC. 503. WAGNER-PEYSER ACT AMENDMENTS.

(a) INCENTIVE GRANTS.—Section 7(b)(1) of the Wagner-Peyser Act is amended by inserting "and the skill centers established under title II of the Job Training 2000 Act" after "public employment services offices and programs".

(b) SKILLS CENTERS.—Section 7 of the Wagner-Peyser Act is further amended by adding at the end thereof the following new subsection:

"(e) SKILL CENTERS.—(1) The employment service shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the employment service shall—

"(A) ensure that any of the following services authorized and funded under this Act shall be provided only through the skill centers:

"(i) the core services described in section 203(a) of such Act, unless such services are excepted pursuant to section 203(c) of such Act; and

"(ii) those enhanced services described in section 203(b) of such Act that are specified in the written agreement;

"(B) transfer sufficient financial and nonfinancial resources available under this Act to the skill centers to provide the services described in subparagraph (A) to individuals who:

"(i) are authorized to receive services under this Act; and

"(ii) are not participants in other participating programs that are a party to the written agreement; and

"(C) comply with the other requirements of such section 206.

"(2) The local employment service offices may apply to be designated as a skill center in accordance with the requirements of section 205 of the Job Training 2000 Act.".

SEC. 504. AMENDMENTS TO VETERANS TRAINING UNDER CHAPTER 41.

(a) DEFINITION.—Paragraph (7) of section 4201 of title 38, United States Code, is amended by striking the period and inserting ", which may include the skill centers established under title II of the Job Training 2000 Act.".

(b) SKILL CENTERS.—Subsection (c) of section 4103 of title 38, United States Code, is amended—

(1) in paragraph 14 by striking "and" after the semicolon;

(2) in paragraph (15) by striking the period and inserting "; and"; and

(3) at the end thereof by adding the following new paragraph:

"(16) participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the Director and Assistant Directors shall—

"(A) ensure that any of the following services provided under this chapter shall be provided only through the skill centers:

"(i) the core services described in section 203(a) of the Job Training 2000 Act, unless such services are excepted pursuant to section 203(c) of such Act; and

"(ii) those enhanced services described in section 203(b) of such Act that are specified in the written agreement;

"(B) transfer sufficient financial and nonfinancial resources available under this chapter to the skill centers to provide the services described in subparagraph (A) to individuals participating under this chapter.".

SEC. 505. PERKINS ACT AMENDMENTS.

(a) ESTABLISHMENT OF POSTSECONDARY PROGRAM.—The Carl D. Perkins Vocational and Applied Technology Education Act is amended—

(1) in subsection (c) of section 3 by—

(A) inserting "(1)" after the subsection designation;

(B) adding the following new paragraph;

"(2) Of the amounts available under paragraph (1) to carry out title II, 35 percent or $396 million, whichever is greater, shall be available to carry out part D of title II, relating to postsecondary vocational training.";

(2) in subsection (b) at section 118, by—

(A) striking out paragraph (2); and

(B) redesignating paragraph (3) as paragraph (2);

(3) in section 221 (b) by striking out "postsecondary or secondary";

(4) in section 222(a)(1), by striking out "and secondary;"

(5) in Part C of title II—

(A) in the heading by striking ", POSTSECONDARY AND ADULT VOCATIONAL" after "SECONDARY";

(B) by striking section 232;

(C) by redesignating section 233 and 234 as sections 232 and 233, respectively;

(D) in sections 232 and 233 (as redesignated by subparagraph (C)) by striking "or section 232" in each place it appears; and

(E) in subsection (b) of section 233 (as redesignated by subparagraph (C) by striking "or 232" after "231";

(6) in title II by adding at the end thereof the following new part:

"PART D—POSTSECONDARY VOCATIONAL TRAINING

"SEC. 251. ALLOTMENT AND ALLOCATION.

"(a) STATE ALLOTMENTS.—The amounts appropriated pursuant to section 3(c)(2) for each fiscal year shall be allotted by the Secretary to the States in accordance with the funding formula contained in section 201(b) of the Job Training Partnership Act.

"(b) LOCAL ALLOCATIONS.—The Governor shall allocate the amount allotted to the State under subsection (a) for each fiscal year among the private industry councils within the State established under section 102 of the Job Training Partnership Act. Such allotment shall be made in accordance with the funding formula contained in paragraphs (2), (3) and (4) of section 202(a) of the Job Training Partnership Act.

"SEC. 252. ELIGIBILITY.

An individual shall be eligible to receive assistance under this part only if such individual—

"(1) (A) has completed a high school degree or its equivalent; or

"(B) is not enrolled in a secondary school and is beyond the age of compulsory attendance under State law; and

"(2) is economically disadvantaged, as defined in section 4(8) of the Job Training Partnership Act.

"SEC. 253. USE OF FUNDS.

The funds available under this part shall be used to provide eligible individuals with postsecondary vocational training and related services though the voucher system established under title IV of the Job Training 2000 Act."; and

(7) in part E of title III, by adding at the end of section 344 the following:

"(d) POSTSECONDARY TRAINING.—Postsecondary level training provided to students under this part may be provided only by a vocational training program that is certified in accordance with title III of the Job Training 2000 Act.".

SEC. 506. AMENDMENTS TO JOBS.

(a) IN GENERAL.—Subsection (a) of section 485 of the Social Security Act is amended by—

(1) striking "The" and inserting "(1) Except as provided in paragraphs (2), the";

(2) adding the following new paragraph:

"(2) The State agency shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the State agency shall—

"(A) ensure that participants in the programs under this part who are determined to need vocational training shall, subsequent to such determination, be provided only through the skill centers the following services:

"(i) the core services described in section 203(a) of such Act, unless such services are excepted under section 203(c) of such Act; and

"(ii) those enhanced services described in section 203(b) of such Act that are specified in the agreement;

"(B) transfer sufficient financial and nonfinancial resources available under this part to the skill centers to provide the services described in subparagraph (A) to participants in programs under this part; and

"(C) comply with the other requirements of such section 206.".

(b) CERTIFICATION REQUIREMENT.—Subsection (d) of section 485 of the Social Security Act is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting the following new paragraph:

"(2) In order to be eligible to receive funds under this part, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act.".

SEC. 507. FOOD STAMP ACT AMENDMENTS.

Section 6(d)(4) of the Food Stamp Act of 1977 is amended at the end thereof by adding the following new subparagraphs:

"(Q) In order to be eligible to receive funds under this paragraph, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act.

"(R)(i) Vocational training provided under this paragraph shall be provided only through the voucher system established under title IV of the Job Training 2000 Act.

"(ii) In addition to the training described in clause (i), other services provided under this paragraph may be provided through such voucher system.

"(iii) The State agency shall enter into the written agreement specified in section 403(b) of the Job Training 2000 Act relating to the administration of the voucher system. The State agency shall ensure that such agreement includes conditions necessary to monitor compliance with the requirements of this paragraph, including requirements relating to the mandatory participation of certain recipients.

"(5) The State agency shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the State agency shall—

"(i) ensure that participants in the programs under this paragraph who are determined to need vocational training shall, subsequent to such determination, be provided only through the skill centers the following services:

"(I) the core services described in section 203(a) of such Act, unless such services are excepted under section 203(c); and

"(II) those enhanced services described in section 203(b) that are specified in the agreement;

"(ii) transfer such financial and nonfinancial resources as are available under this paragraph to the skill centers to provide the services described in clause (i) to participants in programs under this paragraph; and

"(iii) comply with the other requirements of such section 206.".

SEC. 508. AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.

(a) CERTIFICATION REQUIREMENT.—(1) Section 435(a) of the Higher Education Act of 1965 (20 U.S.C. 10001 *et seq.*, hereinafter in this section referred to as "the Act") is amended by adding at the end thereof the following new paragraph:

"(4) An institution that offers a vocational training program as defined in section 5 of the Job Training 2000 Act, shall be eligible to participate in a program under this part for purposes of such training only if such vocational training program is certified as eligible to receive Federal vocational training funds under title III of such Act.".

(2) Section 481(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) An institution that offers a vocational training program, as defined in section 5 of the Job Training 2000 Act, shall be eligible to participate in a grant, loan, or work assistance program under this title for purposes of such training only if such program is certified as eligible to receive Federal vocational training funds under title III of such Act.".

(b) SKILL CENTER REFERRALS.—(1) Section 485(a)(1) of the Act is amended by adding at the end thereof the following new subparagraph:

"(M)(i) a statement of the requirement that any student that receives grant, loan, or work assistance under this title for vocational training, as defined in section 5 of the Job Training 2000 Act, shall be referred by the institution prior to enrollment in such training to a skill center established under title II of such Act;

"(ii) the skill center to which such student shall be referred; and

"(iii) the types of information and services available through such skill center.".

(2) Section 487(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(13) In the case of any institution that offers vocational training, as defined in section 5 of the Job Training 2000 Act, the institution certifies that all students that receive grant, loan, or work assistance under this title for such training are referred, prior to enrollment, to a skill center established under title II of such Act.".

SEC. 509. REHABILITATION ACT AMENDMENTS.

The Rehabilitation Act of 1973 is amended by adding after section 18 the following new section:

"SEC. 19. CERTIFICATION REQUIREMENT.

"In order to be eligible to receive funds under titles I, III, and IV of this Act, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act.".

SEC. 510. REFUGEE ASSISTANCE ACT AMENDMENTS.

Section 1522(c) of title 8, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) In order to be eligible to receive assistance under this subsection, a vocational training program shall be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act.".

SEC. 511. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS AMENDMENTS.

Section 236(a) of the Trade Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(10) The Secretary shall not approve any training program providing vocational training unless such program is certified as eligible to receive Federal funds under title III of the Job Training 2000 Act.".

TITLE VI—EFFECTIVE DATE AND TRANSITION

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on July 1, 1993.

SEC. 602. TRANSITION PROVISIONS.

Each member of the Federal Council, in consultation with the Federal Council, may establish for programs under such member's jurisdiction such rules and procedures as may be necessary to provide for an orderly transition to and implementation of the requirements established under this Act and the amendments made by this Act.

SECTION-BY-SECTION ANALYSIS OF THE JOB TRAINING 2000 ACT

The Job Training 2000 Act would revise the Federal vocational training system to meet the Nation's workforce needs into the 21st Century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality vocational training programs, and a voucher system to enhance participant choice.

Currently, a myriad of programs administered by a number of Federal agencies offer vocational education and job training at a cost of billions of dollars each year. Services are disjointed, administration is inefficient, and few individuals—especially young, low-income, unskilled people—are able to obtain useful information on the quality of programs and the job opportunities or skill requirements in the field for which training is provided. Ineffective quality controls have allowed many unscrupulous proprietary institutions and others to obtain Federal funds without providing effective training.

The Job Training 2000 Act transforms this incoherent complex of programs into a vocational training system responsive to the needs of individuals, business, and the national economy. The Job Training 2000 initiative would be coordinated through the Private Industry Councils (PICs) formed under the Job Training Partnership Act (JTPA). PICs would oversee skill centers, certify (in conjunction with State agencies) Federally-funded vocational training programs, and manage the vocational training voucher system. Under this system, PICs would be accountable to Governors for their activities who, in turn, would report on performance to a Federal Coordinating Council. The Job Training 2000 Act would ensure a more rational, effective, and efficient system to meet the workforce quality needs of the Nation into the next century.

Section 1 of the bill provides that this Act is entitled the "Job Training 2000 Act."

Section 2 contains the Table of Contents.

Section 3 contains the Statement of Findings and Purpose of the Act. The purpose of the Act is threefold: first, to establish a network of local skill centers to provide a common point of entry for individuals to vocational training programs and thereby improve access, minimize duplication, and enhance the effectiveness of such programs; second, to establish a system for certification of vocational training programs, including certification by Private Industry Councils that such programs meet performance standards, to ensure that only high quality programs are eligible to receive Federal vocational training funds; and third, to establish a system of vocational training vouchers to enhance participant choice and, by promoting competition among service providers, improve the quality of training.

Section 4 authorizes appropriations to the Secretary of Education for allocation to the States and PICs to assist in carrying out their certification responsibilities. The authorization is $50,000,000 in FY 1993 and such sums as may be necessary thereafter.

Section 5 contains definitions of terms that are used in the Act. The term "Private Industry Council" is defined as the Council established under section 102 of the Job Training Partnership Act.

The term "service delivery area" is defined as the area established under section 101 of the Job Training Partnership Act.

The term "State" is defined as any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands.

The section identifies which programs are included in the term "Veterans Vocational Training."

The term "vocational training" is defined as any program of instruction or applied learning, leading to other than a baccalaureate or advanced degree, that systematically develops the specific skills needed for employment in a current or emerging occupation or occupational cluster and leads to attaining proficiency on a pre-determined sets of skills and knowledge areas needed for such employment. Such training may include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and job placement. However, the primary purpose of such training must be attainment of the occupational-specific skills necessary for economic independence as a productive and contributing member of society. This definition builds on the definition of vocational education that is contained in the Carl D. Perkins Vocational and Applied Technology Education Act. The term vocational training is used to help identify which programs are to be certified under title III and which services are to be vouchered under title IV.

Title I contains the general provisions that are applicable to the Act. Part A of title I defines Federal responsibilities.

Section 101 establishes a Federal Vocational Training Council of Federal agency heads to oversee implementation of the Act, and promote consistent policies and information exchange among programs covered by the Act. Section 101(a) establishes the council and specifies that it shall consist of the agency heads, or their designees.

Section 101(b) specifies the composition of the Federal Council, which include the Secretaries of Labor, Education, Health and Human Services, Agriculture, and Veterans Affairs. The President may also designate other Federal agency heads to serve on the council.

Section 101(c) specifies that the position of Chair of the Federal Council must rotate among the Secretaries of Labor, Education, and Health and Human Services on a yearly basis, unless these Secretaries approve an alternative means of selection.

Section 101(d) contains the functions of the council. First, the council is to provide guidance and advice relating to the implementation of the requirements of this Act to affected Federal, State, and local agencies and organizations. Second, the Council is to ensure the application of consistent policies, practices and procedures in the operation of Federal vocational training programs, including, through waiver authority (described below), requiring the use of common terms, definitions and performance standards; the collection of common participant and program data; and the coordination (including the timing and sequence) and consolidation of required State and local plans and reports. Third, the council is to serve as a clearinghouse to exchange information relating to vocational training among Federal, State and local officials. Fourth, the council is to conduct a formal evaluation of the effect of the Act on individuals, institutions, agencies and labor markets. Fifth, the council is to oversee the implementation and administration of the Job Training 2000 Act. Finally, the council is to carry out other responsibilities as specified in the Act.

Section 101(e) authorizes the members of the Federal Council to waive regulations or provisions of law under such member's jurisdiction that would prevent the application of consistent practices and procedures relating to common terms, definitions, and performance standards; common participant and program data; and the coordination and consolidation of required State and local plans and reports. The waivers may not alter the purposes or goals of the affected program; eligibility requirements; the allocation of funds under the program; or any law respecting public health or safety, civil rights, occupational safety and health, or environmental protection. The authority for granting waivers is in effect for three years, and before the end of this period, the Federal Council must submit a report and make recommendations to the President based on these consolidation activities.

Section 101(f) authorizes the council to prescribe rules and regulations and to request and accept agency contributions of services, personnel, facilities, and information to assist the council in the performance of its functions.

Section 101(g) requires that upon request of the Council Chair Federal agencies are to make resources available to assist the Federal Council in carrying out its responsibilities.

Section 101(h) requires that, not later than five years after the effective date of the Act, the council submit a report to the President containing the results of the evaluation of the effect of the Act and such recommendations as the council deems appropriate. Not later than 30 months after the effective date of the Act, the Federal Council must submit an interim report to the President and the Congress describing the progress to date in implementing the Act.

Section 102 establishes a National Private Sector Advisory Board on Vocational Training that would provide greater private sector guidance and involvement in vocational training policy making and planning at the Federal level. The Board would advise the Federal Council regarding the carrying out of its responsibilities under the Act; increasing the involvement of the private sector in vocational training programs; and ways of ensuring that the Federal vocational training system meets labor market needs. The Advisory Board is comprised of 15 members appointed by the President. In appointing the Board, the President may consider including representatives of the private sector; representatives of educational agencies, welfare and social service agencies, labor organizations, and vocational rehabilitation, or community-based organizations; and participants in vocational training programs and other individuals who have special knowledge and qualifications with respect to vocational training. The business representatives, who may be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility, are to constitute a majority of the membership of the board. Members of the Board are to serve for such terms as the President may prescribe.

The Chairman of the Private Sector Advisory Board is to be selected by the President. The time, place, and manner of meeting, as well as Board operating procedures, is to be determined by the Board. The Board is authorized to use the services, personnel, facilities, and information of the Federal Council in carrying out its functions.

Part B of title II provides for the establishment of a Human Resource Investment Council in each State. The Council would promote Statewide coordination of certain federally-assisted human resource programs by replacing separate existing State councils with a single State advisory body.

The State Human Resource Investment Council would advise the Governor regarding programs under the Adult Education Act, the Carl D. Perkins Vocational and Applied Technology Education Act, JTPA, the Rehabilitation Act of 1973, the Wagner-Peyser Act, JOBS, Food Stamp Employment and Training, student financial aid assistance under Title IV of the Higher Education Act, Veterans' Vocational Training, and other programs designated by the Federal Council. Under current law, there is no State advisory council for programs under the Rehabilitation Act, JOBS, the Higher Education Act, Veterans' Vocational Training or Food Stamp Employment and Training. There are separate State councils authorized for programs under each of the other Acts.

Section 111(a) provides that each State that receives assistance under the applicable Federal programs would establish a single State council to review the provision of services and use of resources and advise the Governor on methods of coordinating the programs. The council would also provide advice to the Governor on the development and implementation of State and local standards and measures relating to the programs.

Section 111(b) provides that the membership of the council is to be appointed by the Governor, and be comprised of representatives of business and industry (who must comprise a majority of the membership of the council), representatives of organized labor and community-based organizations, chief administrative officers in State agencies administering the applicable programs and other representatives of State entities, and representatives of local governments, local educational, and welfare agencies, and individuals with special expertise.

Subsection (c) of this section authorizes the council to obtain the services of personnel to carry out its functions. Subsection (d) provides that the State certify to the Secretary of Labor the establishment and membership of the council 90 days before the submission of a Job Training 2000 plan. Subsection (e) lists the applicable programs under the council's jurisdiction, which were described above.

Part C of title I specifies additional State responsibilities under the Act.

Section 121 requires each Governor to biennially issue a statement of goals and objectives for the Job Training 2000 system established in the State. This statement is to assist the Private Industry Councils in preparing their Job Training 2000 Plans and must be disseminated to each PIC within the State and to other interested agencies, organizations and individuals.

Section 122 specifies State reporting requirements under the Act. Each Governor must submit to the Federal Council an annual report relating to the activities undertaken within the State pursuant to this Act. The report is to include information on the achievement of the goals established by the Governor, information on the performance of skill centers in the State, data on the performance of vocational training programs, and information from the PIC reports. The Council may also request other reports from the Governors.

Section 123 describes the Governors' oversight responsibilities under the Act, which include monitoring, providing technical assistance and applying sanctions, when necessary. Each Governor must monitor the compliance of the PICs within the State with the requirements of the Act, and provide technical assistance deemed necessary to assist the PICs in carrying out their responsibilities (JTPA technical assistance funds may be used for such purpose). If the Governor determines, as a result of a financial and compliance audit or otherwise that there is a substantial violation of the requirements of this Act by a PIC and corrective action is not taken by such PIC, the Governor must issue a notice of intent to revoke all or part of the Job Training 2000 plan or impose a reorganization plan, which may include restructuring the PIC or making other changes the Governor determines to be necessary to secure compliance. Both a Governor's notice of intent to revoke a plan and a Governor's imposition of a reorganization plan may be appealed to the Secretary of Labor.

The Act assigns to PICs major new management responsibilities. PICs currently are the private/public governing board that oversees local job training programs under JTPA. A majority of PIC members must be from the private sector. Under the Job Training 2000 Act, the benefits of business community input, now available only to JTPA, would be extended to other Federal vocational training programs. Through overseeing skill centers, certifying vocational training programs, and managing the vouch-

er system, PICs would have the key role in the local delivery of vocational training funded by the Federal Government.

The oversight authority provided to the Governors under the previous section and under the plan approval procedures described below ensure that the PICs receive assistance when needed and that if the PICs are unable to comply with the requirements of the Act, a reorganization plan or other measures are available to assure that these responsibilities will be effectively carried out.

Part D of title I specifies local planning and reporting requirements under the Act. The planning requirements are continued in section 131 and the reporting requirements in section 132. Section 131(a) provides that a Job Training 2000 plan must be submitted by each PIC to the Governor. In preparing the plan, the PIC must consult with representatives of Federal vocational training programs and local public and private providers of services to such programs. These programs include JTPA, JOBS, the Employment Service, Food Stamp Employment and Training, Vocational Education, Pell Grants, Guaranteed Student Loan, Rehabilitation Act programs, and veterans vocational training programs. The PIC must also consult with representatives of local business, labor, education and community-based organization and other interested individuals and organizations.

The PIC is responsible for preparing the Job Training 2000 plan in a manner that promotes that application of consistent policies, practices and procedures among Federal vocational training programs. It is expected that the Job Training 2000 plan will be the foundation for the preparation of the plans of other participating programs, reducing reporting requirements in these other programs.

Section 131(b) describes the contents of the Job Training 2000 plan. First, the plan must describe the procedures used to designate the skill centers authorized under title II of the Act and include a copy of the Charter designating the skill centers. Second, the plan must describe the procedures used to develop and administer the written agreement between the skill centers and participating programs and include a copy of the agreement. Third, the plan must describe the procedures to be used to monitor the performance of the skill centers and the measures to be taken to improve performance. Fourth, the plan must describe goals and objectives, in addition to the performance standards, for the operation of the skill centers. Fifth, the plan must describe the procedures for implementing the certification system authorized under title III of the Act. Sixth, the plan must describe the goals and objectives for the operation of the certification system. Seventh, the plan must describe the procedures for implementing the voucher system authorized under title IV of the Act. Eighth, the plan must describe the goals and objectives for the operation of the voucher system. Finally, the plan must include such other planning information as the PIC (in consultation with representatives of Federal vocational training programs and local providers of services) deems appropriate and such information as the Governor deems appropriate relating to the activities carried out under the Act during the preceding two-year period.

Section 131(c) describes the review and approval process for the Job Training 2000 plan. The plan must be made available to the representatives of the programs and organizations that were consulted with in developing the plan, and to the general public for review and comment prior to submission to the Governor. The plan is to be submitted to the Governor for approval and to the State Human Resource Investment Council for review. The Governor must approve the plan unless the Governor determines that: it does not comply with the Act or other laws; the plan lacks sufficient provisions to ensure coordination or minimize the duplication of services; or the PIC did not engage in sufficient consultations with representatives of the community or Federal vocational programs in preparing the plan.

The Governor must approve or disapprove the plan within 30 days after the plan is submitted, and a disapproval may be appealed to the Federal Council, which makes the final decision of whether the Governor's disapproval complies with the conditions for disapproval. If the plan is disapproved, the PIC must be provided an opportunity to modify the plan as necessary to obtain approval. If a modification is not submitted by the PIC within 45 days after a notice of disapproval or denial of an appeal, the Governor must impose a reorganization plan, which may include restructuring the PIC or making such other changes as the Governor determines to be necessary to ensure the submission of an approvable plan. If any of these actions are taken by the Governor, they may be appealed to the Secretary of Labor, who must make a final decision on the appeal within 60 days.

If a plan is approved by the Governor, it is to be submitted to the Secretary of Labor to determine compliance with the Act and if no action is taken by the Secretary within 30 days, the plan becomes effective.

Section 132 requires each PIC to submit to the Governor and the State Human Resource Investment Council an annual report relating to the activities undertaken in the service delivery area pursuant to the Act. The report would indicate the progress that is being made toward achieving the Job Training 2000 goals and objectives established by the Governor. It is to contain operational, performance, and other information required by the Governor in consultation with the Federal Council.

Title II provides for the establishment of a network of local skill centers. Skill centers would replace the dozens of entry points to vocational training now in place in each community and provide a "one-stop shopping" point for individuals to enter the Federal job training system.

Section 201 specifies that the purpose of the skill centers is to improve access of individuals to vocational training by designating local common points of entry to vocational training programs; better inform individuals regarding employment opportunities, local labor market conditions and the performance of local vocational training programs; facilitate the matching of local employers with potential employees who meet hiring qualifications and workforce skill needs; and encourage greater coordination and minimize duplication of services between federally funded vocational training programs.

Section 202 requires each PIC to designate a network of skill centers in each service delivery area. Any entity or consortia of entities located in the service delivery area, including Employment Service offices, community colleges, community-based organizations, JTPA administrative entities, and other interested organizations or institutions, may apply for designation as a skill center.

Section 203 describes the functions of skill centers, including core services and enhanced services. Core services that skill centers must make available include preliminary assessment of skill levels and service needs; information relating to local occupations in demand and the earnings and skill requirements for such occupations; information relating to youth and adult apprenticeship opportunities; information relating to local, regional and national labor markets; career counseling and career planning; employability development; information relating to Federally funded education and job training programs; information relating to performance of vocational training programs available within the service delivery area; intake for participating programs; referrals to agencies and programs providing basic skills and adult literacy services, vocational training, and supportive services; referrals to local employment opportunities; accepting job orders submitted by employers; issuance of vocational training vouchers; and job search and placement assistance.

Enhanced services that skill centers may make available, in accordance with the written agreement, include comprehensive and specialized assessments of the skill levels and service needs, using tests and other assessment tools; development of service strategies and employability development plans; case management for individuals participating concurrently in more than one program; follow-up job counseling for individuals placed in training or employment; and other services as specified in the agreement.

Skill centers may also provide specialized services to employers on a fee-for-service basis, including customized screening and referral of individuals for employment; customized assessment of skill levels of the employer's current employees; and analysis of the employer's workforce skill needs. Program income received from the fees charged employers must be used to expand or enhance skill center services.

Section 204 lists participating programs in the skill centers. Programs that must participate include JTPA title II, Job Corps, the Employment Service, JOBS vocational training referrals, resources for Perkins Act post-secondary programs, Food Stamp Employment and Training vocational training referrals, Veterans' Employment Service, and student financial assistance programs under Title IV of the Higher Education Act. Other programs providing basic skills, support services, literacy or vocational training, such as basic skills and secondary education under the JOBS program, the JTPA Dislocated Workers Program, Trade Adjustment Assistance, Adult Education, and Vocational Rehabilitation, may participate in the operation of a skill center as a party to the agreement if the PIC and the other participating programs approve their participation.

Section 205 describes the designation procedures for skill centers. Section 205(a) requires the PIC to publish in a manner that is generally available, information to notify organizations and individuals in the service delivery area of the application procedure to seek designation as a skill center; the consultation process that will be conducted; the criteria for selection that will be used; and other information deemed relevant to the designation and administration of the skill center.

Section 205(b) requires the PIC to conduct a consultation process to obtain information and advice regarding the designation of skill centers. The consultations may include meetings, conferences, requests for written comments and other opportunities for providing views. The consultations are to be

conducted with local elected officials, community and business leaders, representatives of voluntary organizations, representatives from the participating programs, service providers, and other interested organizations and individuals.

Section 205(c) contains the selection criteria for designation of skill centers. PICs, in accordance with Federal Council guidelines, must use objective criteria and methods in assessing applications for designation as a skill center. An applicant may not be designated as a skill center unless such applicant demonstrates to the satisfaction of the PIC its ability to provide skill center services; serve the general public and provide barrier free access to individuals with disabilities; utilize automated information systems; establish linkages with the State Occupational Information Coordinating Committee; provide services effectively to disadvantaged populations; and meet such other requirements as the PIC deems appropriate.

Section 205(d) provides that the PIC is to issue a charter designating the skill centers in the service delivery area. The charter, which provides the operating guidelines for the management of the skill centers, is to indicate the number and location of the skill centers; identify the entity or entities administering the skill centers; specify the term of the Charter; and include such other conditions as the PIC determines is appropriate.

Secton 206 describes the written agreement that the skill centers must enter into with the PIC and participating programs concerning the operation of the centers.

Section 206(a) specifies that the Governor is responsible for overseeing the development of the agreement and ensuring the agreement meets the requirement of section 206. Participation of Higher Education Act programs (such as Pell Grants and Guaranteed Student Loans) is limited to referral of students to skill centers. Part D of title II of the Carl D. Perkins Act is also exempted from being party to the agreement because the program's participation in skill centers is limited to issuance of vouchers for vocational training.

Section 206(b) describes the contents of the agreement. The agreement must contain assurances that (except as noted below) participating programs will provide only through the skill centers all core services and those enhanced services which are specified in the agreement. The agreement must also specify methods for referral of individuals by the skill centers to appropriate services and programs; methods of administration, including provisions for monitoring and oversight of the skill centers and the agreement; a description of how services (including the methods and test instruments to be used to assess the skill levels of individuals) are to be provided by the skill centers; the procedures to be used to ensure compliance with the statutory and regulatory requirements of the participating programs; a description of how the skill center would fulfill any compliance or reporting requirements of the participating programs; the duration of the agreement and the procedures for amending the agreement during its term; and such other provisions that the parties to the agreement deem appropriate.

Funding for skill centers would come from participating programs, with the specific financial and nonfinancial contributions of each participating program to be determined locally in the agreement between the PIC and participating programs. The determination is to be based on the types of services provided and the number of participants of the respective programs that are served by the skill centers. Title V of this Act includes conforming amendments to the laws authorizing the participating programs and makes participation in the agreement and the transfer of sufficient resources to the skill centers requirements under such programs. Therefore, the measures available under each program to enforce requirements will be available to ensure that each participating program transfers sufficient resources to the skill centers at the local level.

Section 206(c) provides for exceptions to conditions covering the agreement. The agreement may allow core services relating to job listing and job placement to be carried out by the participating programs in addition to being provided by the skill centers. The agreement may also allow a participating program to directly provide one or more additional core services if the program is a voluntary participating program or the PIC determines that due to the geographic size or rural location of the service delivery area, the requirement that core services be provided only through the skill centers would unreasonably restrict access to core services by participants of the program. The requirement that services be provided through the skill centers, in the case of JOBS and Food Stamp Employment and Training, applies only to participants who have been determined by such programs to need vocational training, and only for services required subsequent to that determination.

Section 207 specifies performance standards for the skill centers. Section 207(a) requires the Secretary of Labor, in consultation with the Federal Council, to prescribe performance standards relating to skill centers, which must include placement, retention and earnings in unsubsidized employment; placement in appropriate vocational training programs; completion of training or achievement of educational objectives; and meeting the needs of the local labor market as described in the local plan. Other measures, such as the quality of services provided, may also be prescribed.

Section 207(b) allows a Governor, within parameters established by the Secretary of Labor in consultation with the Federal Council, to prescribe adjustments to the performance standards for the skill centers. Such adjustments may be based on specific economic, geographic and demographic factors in the State and in service delivery areas within the State; and the characteristics of the population to be served, including the demonstrated difficulties in serving special populations. A Governor may also prescribe additional performance standards for skill centers. The adjustments and additions prescribed by the Governor must be described in the annual report that is submitted to the Federal Council.

Section 207(c) addresses the failure of a skill center to meet performance standards. The Secretary of Labor, in consultation with the Federal Council, must establish uniform criteria for determining whether a skill center fails to meet performance standards. The PIC and the Governor must provide technical assistance to skill centers failing to meet performance standards. Each Governor must include in the report to the Federal Council the final performance standards and performance for each skill center within the State, along with the technical assistance to skill centers that was planned and provided. If a skill center continues to fail to meet performance standards for 2 consecutive program years, the Governor must notify the Secretary and the skill center of the continued failure, and direct the PIC to rescind the Charter designating the skill center and designate another entity as a skill center in accordance with the requirements of section 205. A skill center that is the subject of a redesignation may, within 30 days after receiving notice, appeal to the Secretary of Labor. The Secretary must issue a decision on the appeal within 30 days.

Section 207(d) authorizes the Governor to use incentive funds available under the Wagner-Peyser Act and JTPA to provide incentive grants to the skill centers for exceeding the performance standards established under this Act. These incentive grants may be used by the skill centers to increase or enhance services.

Title III establishes a certification system for Federal vocational training. This new certification system would preclude ineffective vocational training programs from receiving Federal funds. It is anticipated that the certification system will greatly enhance the quality of vocational training courses offered in each local area and result in course offerings that are much more responsive to the needs of local businesses and the realities of the local labor market.

The purpose of the certification system, as described in Section 301 is to: (1) ensure that only high quality vocational training programs are eligible to receive Federal funds; (2) establish performance standards to increase the effectiveness of vocational training programs; and (3) promote the availability of information on the local level regarding the performance of vocational training programs.

Section 302 provides that the Secretary of Education is to allocate funds appropriated for carrying out the certification system to the States and PICs based on factors that the Secretary, in consultation with the Federal Council, determines are appropriate.

Section 303 specifies that only a vocational training program that has been certified as meeting the requirements of this title is eligible to receive Federal funds under the specified covered programs. This ensures that only programs meeting certain quality performance standards will be Federally funded.

Section 303(b) lists the covered programs to which the certification requirement applies. To receive Federal vocational training funds under these programs, the training program must be approved by the State agency designated under Section 304. The covered programs are titles II and III of JTPA; the Food Stamp Employment and Training Program; JOBS; Perkins post-secondary vocational education; student financial assistance programs under Title IV of the Higher Education Act; Rehabilitation Act programs; Veterans Vocational Training; Refugee Assistance; and Trade Adjustment Assistance.

Section 304 requires that the Secretary of Education, in consultation with the Federal Council, prescribe performance standards for vocational training programs provided by institutions or other service providers that address: the financial responsibility of the institution conducting the program and the reasonableness of the program's costs; the rates of withdrawal by students from the program; the rates of student loan default; the rates of licensure of graduates (if appropriate); and the rates of placement and retention in employment and the earnings of graduates of the program. The standards will be sensitive to legitimate performance differences that result in programs enrolling es-

pecially hard-to-serve populations. The Secretary of Education, in consultation with the Federal Council, may prescribe additional standards based on other measures of the effectiveness of the program in meeting the special needs of disadvantaged populations and in preparing students for employment, including (where appropriate) the preparation of students to meet relevant industry skill standards. The standards may not be revised more frequently than once every two years.

Section 304(b) allows the PIC to modify the levels of the performance standards for successful performance if such modifications are approved by the Governor and the Secretary of Education, in consultation with the Federal Council.

Section 305 requires each State to designate an entity to serve as the single State agency to certify vocational training programs. If a single State agency has been designated to approve programs for purposes of Title IV of the Higher Education Act, that agency would be the designated agency for the purposes of certifying vocational training programs. The designated State agency is required to annually collect and analyze information from vocational training programs in the State on the program's performance with respect to the standards identified in section 304. The State agency must also issue guidelines relating to the procedures to be used by the PICs for certifying vocational training programs.

Section 305(b) requires each vocational training program that wants to be certified to submit an application to the State agency.

Section 305(c) requires that the State agency notify the appropriate Private Industry Council when a vocational training program submits an application requesting to be certified. Upon receipt of the notification, the PIC must certify to the State agency whether the vocational training program meets the performance standards of section 304. The PIC would use information collected and analyzed by the State agency and other information that the PIC deems appropriate in its certification of the vocational training program.

To carry out its certification responsibilities, a PIC may utilize the staff of the skill center or the staff of other entities or establish a consortium with other PICs.

Section 305(d) requires that the State agency approve the application submitted by the vocational training program once it receives the certification from the PIC (consistent with the State agency guidelines) that the program meets the performance standards established in Section 303. The certification remains in effect for two years from the date it was issued.

The State agency must require a recertification of a vocational training program whenever the ownership of a school providing certified vocational training changes, the State becomes aware of a substantial change in operations of the program, or when other information comes to the attention of the State agency that warrants a review of certification.

Under the Secretary of Education's guidelines, the State agency has the authority to suspend program certification on an emergency basis if such action is necessary to protect students or prevent misuse of Federal or State funds. In such case, the State agency must carry out an expedited recertification.

Section 305(e) requires the Governor to establish an appeal procedure for vocational training programs to use if the PIC and the State agency deny an application for certification. The Secretary of Education is also to establish an appeal procedure to consider appeals denied by the Governor. In addition, the Secretary of Education is provided with the discretion to review certification decisions made by the PICs.

Section 305(f) requires that the Governor implement standards to ensure that no PIC engages in any conflict of interest in its certification responsibilities.

Section 305(g) requires the PIC to disseminate information relating to the performance of vocational training programs to the skill centers.

Title IV establishes a vocational training voucher system.

The purpose of the voucher system, as described in Section 401, is to enhance the choices available to participants in vocational training programs, and to promote competition among providers of vocational training, thereby enhancing the quality of training.

Section 402 identifies which services are to be vouchered. Vocational training and related services that are provided by a covered program are to be provided only through the voucher system established under this title. Related services refers to services that are provided by a single service provider as a package of services which includes vocational training. The covered programs are Titles II and III of JTPA; the Food Stamp Employment and Training Program; and Perkins Act Postsecondary Vocational Education.

In addition to vocational training and related services, covered programs may provide other services through the voucher system, as identified in the agreement required under section 403(b). In addition to the covered programs, other Federal vocational training programs may, consistent with the laws governing such programs, participate in the voucher system if the PIC approves such participation.

Section 403 requires that the PIC be responsible for overseeing the establishment and operation of the voucher system. PICs are required to consult with local providers of vocational training. After this consultation, the PIC must enter into a written agreement with the skill centers established under Title II of the Act and with the local agencies responsible for the covered programs identified in section 402(b) and any additional programs under section 403(d) specifying the conditions of the voucher system.

Section 404(a) requires that vouchers issued under this Title contain: an expiration date; the program of study for which the participant may use the voucher; the maximum dollar amount; a payment schedule and other conditions specified in the agreement reached under Section 403(b). Vouchers are only redeemable for programs certified under Title III of this Act.

Section 404(b) requires that at least twenty percent of the payment of the voucher be withheld from the service provider until the participant has successfully completed training and has been employed for at least ninety days. This will make full payment for vocational training dependent on successful performance.

Section 404(c) specifies that the amount of outstanding vouchers issued by a covered program may not exceed the amount of funds available to the program in the service delivery area under section 404(d). If a voucher is not redeemed by the expiration date, the voucher is invalid.

Section 405 contains the conditions governing on-the-job training (OJT) vouchers. An OJT voucher must contain an expiration date, a maximum dollar amount, a payment schedule, and specify a particular occupational area for which the voucher can be used. An OJT voucher is redeemable only by employers who have available positions approved by the covered program in the particular occupational area. The twenty percent withholding requirement does not apply to OJT vouchers. However, the limitation on outstanding amounts does apply.

Section 406 allows for vocational training and related services for a covered program to be provided through a contract instead of a voucher if the PIC approves a request submitted by the program. The basis for such request must be that there are insufficient providers of vocational training services in the service delivery area or that service providers are unable to provide effective services to special participant populations. The Governor may rescind the permission to contract for direct services if the Governor determines there was an insufficient basis for the PIC's findings.

Title V contains conforming amendments to legislation authorizing programs affected by the Job Training 2000 Act.

Section 501 contains conforming amendments relating to the State Human Resource Investment Council. Each of the Acts which authorize the applicable programs under the purview of the Council is amended. These amendments clarify the duties of the council with respect to each Act and provide for coordination of the programs by the council.

Section 502 contain conforming amendments to the Job Training Partnership Act.

Section 503 contains conforming amendments to the Wagner-Peyser Act.

Section 504 contains conforming amendments to the Veterans' training program under chapter 41 of Title 38, United States code.

Section 505 contains conforming amendments to the Carl D. Perkins Vocational Education and Applied Technology Act.

Section 506 contains conforming amendments to the JOBS provisions of the Family Support Act.

Section 507 contains conforming amendments to the Food Stamp Act.

Section 508 contains conforming amendments to the Higher Education Act.

Section 509 contains conforming amendments to the Rehabilitation Act.

Section 510 contains conforming amendments to the U.S. Code relating to Refugee Assistance.

Section 511 contains conforming amendments to the relating to the Trade Adjustment Assistance provisions of the Trade Act of 1974.

Title VI provides that the effective date of the Act and the amendments made by this Act is July 1, 1993, which is the beginning of the Program Year for several Federal vocational training programs and States. This title also includes a provision that authorizes the respective Secretaries to establish transition rules for programs under their jurisdiction to facilitate the implementation of the Job Training 2000 Act.

By Mr. CRANSTON (for himself and Mr. METZENBAUM):

S. 2635. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit pur-

poses, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Finance.

SOCIAL SECURITY EQUITY ACT

• Mr. CRANSTON. Mr. President, I am pleased to introduce this bill, the proposed Social Security Equity Act of 1992, which is identical to legislation I introduced in the past four Congresses. This measure would incorporate the concept of earning sharing into the Social Security system. I am joined in sponsoring this legislation by the distinguished Senator from Ohio [Mr. METZENBAUM].

This bill is similar to earnings-sharing legislation which has been introduced in the House in past Congresses by Representative MARY ROSE OAKAR, who has served as the chair of that body's Select Committee on Aging's Task Force on Social Security and Women. Representative OAKAR has been a tremendous leader in the effort to reform the Social Security system in a manner that would adequately and equitably deal with the needs of older women. It is a great pleasure to continue to work with Representative OAKAR on this legislation.

Mr. President, the basic concept underlying earnings sharing is relatively simple: marriage for Social Security purposes should be and would be regarded as a partnership. In order to compute benefits, all of the earnings of a married couple would be combined and divided equally between the spouses upon retirement or divorce. Each member of the couple would then have established for him or her an individual Social Security account. Earnings acquired before or after a marriage would go into this individual account along with whatever share each member acquired during the marriage.

Mr. President, earnings sharing in Social Security would represent a major reform which obviously cannot be implemented overnight. But such an effort must begin now so that future generations of women will be adequately and equitably treated under the Social Security system. Social Security is vital to the security and well-being of millions of Americans—current retirees and disabled persons and future ones. This country has a major obligation to protect the system. But equally important is the obligation to make sure that the system remains responsive to the changing needs and roles within our population.

Over the years, the Social Security system has grown and responded to the changing needs in many ways, such as by the addition of disability coverage and the enactment of the Medicare Program. Earnings sharing is a concept that is part of that process of growth and responsiveness.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Equity Act of 1992".

SEC. 2. SHARING OF EARNINGS BY MARRIED COUPLES.

(a) IN GENERAL.—Title II of the Social Security Act is amended by adding at the end the following new section:

"SHARING OF EARNINGS BY MARRIED COUPLES

"SEC. 234. (a)(1) For purposes of determining the eligibility of an individual and the spouse of such individual for old-age and disability benefits and the amount of such benefits to which each is or may become separately entitled, the combined earnings of such individual and such spouse shall, to the extent that such earnings are attributable to the marriage period of such individual and such spouse (as determined under paragraph (2)), be divided equally between them and shared in accordance with this section.

"(2)(A) Except as provided in subparagraph (B), for purposes of this section, the term 'marriage period' means the period—

"(i) beginning with the first day of the calendar year in which the marriage of an individual and the spouse of such individual occurs, and

"(ii) ending with the last day of the calendar year preceding the earliest calendar year in which such individual or such spouse dies, they are divorced, or one of them files application for old-age or disability insurance benefits.

"(B)(i) No marriage period shall begin for any individual and the spouse of such individual if their marriage occurs after such individual or such spouse has filed an application for old-age insurance benefits.

"(ii) No marriage period shall include a period for which such individual or such spouse is entitled to disability insurance benefits or the waiting period (as defined in section 223(c)(2)) with respect to such benefits.

"(iii) A marriage period shall include the 'earliest calendar year' referred to in clause (ii) of subparagraph (A) for purposes of recomputations for that year under section 215(f)(2), in any case where an individual or the spouse of such individual dies or they are divorced, unless the survivor (where one of them dies) or either of them (where they are divorced) is remarried later in the same year.

"(b)(1) Except to the extent otherwise provided in subsections (c), (d), and (e), an individual and the spouse of such individual shall each be credited for all of the purposes of this title with wages and self-employment income, for each calendar year for which either of them is credited with any wages and self-employment income without regard to this section during their marriage period, in an amount equal to—

"(A) 50 percent of the combined total of the wages and self-employment income otherwise credited to both of them for that year if (at the close of the month for which the benefit determinations involved are being made) they are both still living, or

"(B) 100 percent of such combined total, up to but not exceeding the maximum amount that may be counted for that year without exceeding the ceiling imposed for that year under section 215(e), if (at the close of such month) one of them has died.

"(2) Nothing in this section shall affect the crediting of wages and self-employment income to any individual for any calendar year not included in a marriage period of such individual; but to the extent that wages and self-employment income are credited pursuant to this section the other provisions of this title specifying the manner in which wages and self-employment income are to be credited shall (to the extent inconsistent with this section) not apply.

"(3) Except where the context requires otherwise, for purposes of this section, the term 'spouse' includes a divorced spouse, a surviving spouse, and a surviving divorced spouse.

"(c) Subsections (a) and (b) shall not apply with respect to the crediting of wages and self-employment income for any calendar year, in the case of any individual and the spouse of such individual, if—

"(1) as a result of the application of such subsections with respect to that year such individual or such spouse would cease to be a fully insured individual (as defined in section 214(a)); or

"(2) such individual or such spouse is applying for disability insurance benefits (or for the establishment of a period of disability) and as a result of the application of such subsections with respect to that year would cease to be insured for such benefits under section 223(c)(1) (or for such a period under section 216(i)(3)).

"(d) Subsections (a) and (b) shall not apply for purposes of determining the amount of the benefit payable to any individual for any month if—

"(1) the total amount of the wages and self-employment income credited to such individual for a marriage period, as determined without regard to this section, is higher than the total amount of the wages and self-employment income credited to such individual's spouse for that period, as so determined; and

"(2) such individual's spouse (taking subsections (a) and (b) into account) has not filed application for old-age or disability insurance benefits by the close of such month.

"(e) Notwithstanding any of the preceding provisions of this section—

"(1) benefits payable under subsection (d) or (h) of section 202 on the basis of the wages and self-employment income of any individual, and benefits payable under subsection (b), (c), (e), (f), or (g) of such section 202 (on the basis of such wages and self-employment income) to any person other than a spouse who has shared in or been credited with a part of such individual's earnings under subsections (a) and (b) of this section, shall be determined as though this section had not been enacted if—

"(A) the application of this section has changed such individual's primary insurance amount from what it would otherwise have been; and

"(B) the crediting of wages and self-employment income to such individual and the spouse of such individual without regard to this section would increase the amount of such benefits; and

"(2) in the application of section 203(a) (relating to maximum family benefits) with respect to benefits payable on the basis of the wages and self-employment income of any individual, where all or any part of the wages and self-employment income of such individual and the spouse of such individual was credited to them in accordance with this

section, the primary insurance amount of such individual (and the crediting of such wages and self-employment income) shall be determined in accordance with this section but the benefits payable to any other person on the basis of the wages and self-employment income of such individual shall be determined without regard to this section.

"(f) Notwithstanding any other provision of this title, no wife's, husband's, widow's, or widower's insurance benefit shall be paid to any individual for any month under subsection (b), (c), (e), or (f) of section 202, and no individual shall be entitled to any such benefit, unless—

"(1) the period of such individual's marriage (to the spouse or former spouse on the basis of whose wages and self-employment income such benefit is payable) ended before the effective date of this section;

"(2) such individual is under the age of 62 (and is otherwise entitled to such benefit);

"(3) such benefit is payable without regard to age and solely by reason of such individual's having a child in his or her care; or

"(4) the application of this section to such individual is prevented by subsection (c) or (d) (or by clause (i) or (ii) of subsection (a)(2)(B)).

"(g) For purposes of subsections (a)(2) and (d), an individual's application for old-age or disability insurance benefits shall be deemed to have been filed on the first day of the first month for which (by reason of the operation of section 202(j) or 223(b)) such individual is entitled to such benefits.".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(1) of the Social Security Act is amended by striking out "The wife" and inserting in lieu thereof "To the extent permitted by section 234(g), the wife".

(2) Section 202(c)(1) of such Act is amended by striking out "The husband" and inserting in lieu thereof "To the extent permitted by section 234(g), the husband".

(3) Section 202(e)(1) of such Act is amended by striking out "The widow" and inserting in lieu thereof "To the extent permitted by section 234(g), the widow".

(4) Section 202(f)(1) of such Act is amended by striking out "The widower" and inserting in lieu thereof "To the extent permitted by section 234(g), the widower".

(5) Section 205(c)(5) of such Act is amended—

(A) by striking out "or" at the end of subclause (I);

(B) by striking out the period at the end of subclause (J) and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end the following new subclause:

"(K) to reflect any changes in the crediting of wages and self-employment income which may be necessitated by section 234.".

(6) Section 215(b) of such Act is amended by adding at the end the following new paragraph:

"(5) The determination of the wages and self-employment income to be credited to an individual under this subsection shall in all cases be made after the application of section 234.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall apply only to wages and self-employment income payable after December 31, 1992, to an individual who has not attained age 50 on or before such date, and only if—

(1) the spouse of such individual has not attained age 50 on or before such date; and

(2)(A) in the case of a benefit based upon the attainment by the wage earner of age 62, such individual and such spouse attain age 62;

(B) in the case of a benefit based upon the death of the wage earner, such death occurs after December 31, 1992, and the individual claiming such benefit attains age 62; and

(C) in the case of a benefit described in subparagraph (A) or (B) with respect to a divorced individual and spouse, the divorce occurs after December 31, 2002.

(b) BENEFITS BASED ON DISABILITY.—In the case of a disability insurance benefit, and a widow's or widower's insurance benefit based upon disability—

(1) if an individual is entitled to such benefit before January 1, 1993, the provisions of this Act shall not apply—

(A) for the period for which such individual continues to be entitled to such benefit, and

(B) in the case of an individual who continues to be entitled to such benefit until age 62, for the period such individual is entitled to an old-age insurance benefit;

(2) if—

(A) an individual becomes entitled to such benefit after December 31, 1992, and before January 1, 2002; and

(B) the total benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based (determined without regard to the provisions of this Act) exceeds the total of benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based, and to the spouse of such individual, under the provisions of this Act,

the provisions of this Act shall not apply for the period during which the conditions of subparagraph (B) continue to be met and during which such individual (i) continues to be eligible for such benefit, or (ii) in the case of such an individual who continued to be eligible for such benefit until age 62, is entitled to an old-age insurance benefit.●

By Mr. THURMOND (for himself, Mr. MCCAIN, Mr. SEYMOUR, and Mr. SHELBY):

S. 2636. A bill to amend title 10, United States Code, to provide the Secretary of the Army with the same employment authority regarding civilian faculty members of the Defense Institute Foreign Language Center as is provided regarding civilian faculty members of the Army War College and the U.S. Army Command and General Staff College; to the Committee on Armed Services.

EMPLOYMENT AUTHORITY WITH RESPECT TO CIVILIAN FACULTY MEMBERS OF CERTAIN DEPARTMENT OF DEFENSE INSTITUTIONS

Mr. THURMOND. Mr. President, on behalf of Senators MCCAIN, SEYMOUR, and SHELBY, I rise to introduce a bill to provide the Secretary of the Army the same employment authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is allowed for civilian faculty members of the Army War College and the U.S. Army Command and General Staff College. The proposed bill has the support of the Department of Defense and has been agreed to by the Office of Personnel Management.

Mr. President, the Defense Language Institute Foreign Language Center is a national resource which has no counterpart in the Western World. The Secretary of the Army is the executive agent tasked with operating the institution. Its mission is to provide language training in 71 different languages or dialects to our Armed Forces. This Institute also provides support to the White House, the State Department, the Nation's intelligence agencies, NATO and the Organization of American States. The typical student attendance is 4,000 per year, supported by a faculty of 800 who provide over 2,000 hours of daily instruction.

Because of the proficiency level required to meet the Defense needs, the civilian faculty of DLI, as the Defense Language Institute is known, must be of the highest caliber. Like most Federal institutions the instructors are managed under the civil service general schedule, with an exception enabling noncitizens to be employed as full-time permanent civil servants. Unfortunately, the civil service classification standards and salaries are too low to retain the top quality teachers needed to achieve graduate proficiency. The best teachers often use DLI as a stepping stone to better paying jobs. Internally, the only way success is rewarded is by promotion from the classroom to administration, where the higher paying positions are located.

This situation is not unique to the Defense Language Institute. Similar problems were identified in the Services' senior professional schools, such as the Army War College and the Command and General Staff College. To ensure that these academic facilities maintained their outstanding caliber of professors, the Congress, in the fiscal year 1990 national defense authorization bill, authorized the Service Secretaries to prescribe the compensation for these individuals. In the case of the Army War College, the Secretary of the Army established a faculty structure that mirrored the academic environment: Professor, associate/assistant professor, instructor. Pay bands were established for each of these positions. This formula vested rank, and therefore salary, in the person rather than in the position. The result was that it created a career ladder with incentives to increase professional educational qualifications. By all accounts, the fiscal year 1990 legislation accomplished its intended purpose and is a great success.

Mr. President, the legislation we are introducing today will extend this time-tested program to the Defense Language Institute. I am advised that any cost incurred to implement the program will be provided from current operating funds and that this cost will be offset by the savings achieved as a result of reduced faculty turnover.

Mr. President, this legislation is a good Government provision, that has the support of the Department of De-

fense. I urge my colleagues to support it.

By Mr. MCCAIN (for himself and Mr. MURKOWSKI):

S. 2637. A bill to increase housing opportunities for Indians; to the Select Committee on Indian Affairs.

INDIAN HOUSING OPPORTUNITIES

• Mr. MCCAIN. Mr. President, I rise to introduce the Indian Housing Development Act of 1992, along with Senator MURKOWSKI.

Before I begin my remarks, I would like to publicly express my appreciation to Senator MIKULSKI, Senator GARN, and their staffs for their efforts to secure and preserve increased funding for Indian housing. I know their efforts have given Indian people a renewed sense of hope that their housing needs have not been forgotten.

Sadly our treatment of Indian people more than our treatment of any other minority is perhaps best captured by that one word: forgotten. As I have said on other occasions, it seems to me that a strategy for American Indian and Alaska Native housing issues would be a natural component of any national housing policy. Unfortunately, the history of the Indian housing programs reveals a far different story.

While the majority of our Nation has been served under the public housing program since it was first established in 1937, American Indians and Alaska Natives were not declared eligible for Federal housing programs until 1961. And, in fact, a substantial number of Indian housing units were not authorized until the early 1970's. The office of Indian housing at the Department of Housing and Urban Development was not permanently established until 1978. Given the slow evolution of the Indian housing program, it is not hard to understand why there continues to be a substantial number of Indian families in need of safe, decent, and sanitary housing. The Bureau of Indian Affairs currently estimates that there are more than 88,000 Indian families who are in need of new or substantially rehabilitated dwelling units.

Compounding the problem of demand is the fact that many of the traditional solutions to urban and rural housing problems have proven to be largely unworkable on Indian reservations and Alaska Native villages. Moreover, rather than carefully assess alternative methods which might address the housing problems unique to Indian country, the Congress and the administration have often found it easier to simply carve out a set-aside in programs designed for urban and rural areas.

It was my hope that the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing would have submitted their final report by now. Unfortunately, although the committee had been previously advised that the final report would be ready by April, it now appears that the report will not be available for distribution until later this year. It remains my hope that the final report will not simply be another recitation of the dismal statistics regarding unmet Indian housing needs, but that it will offer realistic alternatives for the improvement of current services and innovative strategies for providing housing to low- and moderate-income Indian families.

The bill I am introducing today seeks to continue and expand the effort at finding ways to meet the continuing demand for safe, sanitary, and decent housing in Indian country. I would like to highlight a couple of the key provisions contained in the bill. A section-by-section analysis of the entire bill is included at the end of my statement.

First, the bill would continue the current Indian housing authorization level of 3,000 units. The primary concern of Indian tribes continues to be the authorization level for the development of new housing units. In fact, many Indian tribes have expressed to members of the Select Committee on Indian Affairs that an authorization of 6,000 units of Indian housing would be more appropriate. I am concerned, however, that an authorization of 6,000 units would only succeed in raising the hopes of Indian people to unrealistic heights in light of current budget constraints. It is my belief that our collective energies could be better spent on sustaining previously successful efforts at obtaining at or near 3,000 units of Indian housing.

Second, my bill introduces for discussion the idea of consolidating the Housing Improvement Program at the Department of the Interior with the Indian Housing Program at the Department of Housing and Urban Development. I believe it is possible that such a consolidation will avoid the duplication of efforts that currently exist between the two programs and will also result in reduced administrative costs.

Perhaps the best example of the duplication that exists between the two programs is captured in the following budget justification for the Housing Improvement Program at BIA:

* * * assist Indian tribes in working with the *Department of Housing and Urban Development (HUD)* and the Farmer's Home Administration (FmHA), federal agencies involved in providing Indian housing (emphasis added).

How can the administration or the Congress justify two Indian housing programs when the Indian housing program at one agency justifies its existence by helping Indian tribes take advantage of the Indian housing program at the other agency? I see no reason why the HUD Indian Housing Program cannot perform the entire job and—mark this—even save some administrative dollars in the process. I am offering this proposal for discussion, and I would hasten to point out to my friends in Indian country that while I see merit in this proposal it does not represent a general belief on my part that there needs to be a wholesale division and transfer of BIA programs to other Federal agencies as some persons will have you believe.

Lastly, section 10 of the bill authorizes $500,000 in grants to Indian tribal governments to obtain technical assistance. In the past, the Congress has seen fit to identify one organization as the repository for Indian tribes to secure such assistance. After thinking about this particular approach, I believe technical assistance is best arranged between a tribe and the service provider that can best meet their needs. The service provider is then made accountable to the tribe and is likely to deliver a higher quality of service in return. I do not believe any organization is entitled to Federal assistance which thereby establishes them as the sole provider; organizations should earn the trust of the constituency they seek to serve.

Mr. President, I ask unanimous consent that a copy of the bill and the section-by-section analysis to the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Housing Development Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Indian tribes face an unprecedented crisis due to the lack of shelter for a growing number of individuals and families, including elderly persons, persons with disabilities, and families with children;

(2) the demand for Indian housing has become more severe and, in the absence of more effective efforts and consistent funding, is expected to become dramatically worse, endangering the lives and safety of Indian and Alaska Native people;

(3) the Federal Government has a historical and special legal relationship with, and resulting responsibility to, Indian tribes; and

(4) included within the relationship referred to in clause (3) is a trust responsibility to provide decent, safe, sanitary, and affordable housing to the members of Indian tribes residing on reservations.

SEC. 3. AUTHORIZATION.

Section 5(c) of the United States Housing Act of 1937 (42 U.S.C. 1437c(c)) is amended by adding at the end thereof the following:

"(9) Using the additional budget authority that becomes available during fiscal years 1993, 1994, 1995, and 1996, the Secretary shall, to the extent approved in appropriation Acts, reserve authority to enter into obligations aggregating, for public housing grants for Indian families under subsection (a)(2) of this section, an amount sufficient to provide 3,000 units of Indian housing for each such year.".

SEC. 4. INDIAN HOUSING SET ASIDES.

Section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371) is amended by

adding at the end thereof the following new subsection:

"(q) INDIAN HOUSING FUNDS.—Notwithstanding any other provision of this Act, for those Indian housing authorities which, effective October 1, 1992, own or operate less than 250 public housing dwelling units, there shall be set aside and available for use by such Indian housing authorities 7 percent of all funds appropriated in any fiscal year for use in connection with the Comprehensive Improvement Assistance Program pursuant to an authorization under this Act. Funds so set aside shall be in addition to any other funds authorized to be provided to such Indian housing authorities by this Act.".

SEC. 5. ELIGIBLE INDIANS.

Title II of the United States Housing Act of 1937 is amended by adding immediately after section 205 the following new section:

"FEDERALLY RECOGNIZED TRIBES

"SEC. 206. (a) LIMITATION.—For purposes of this Act, the programs and assistance authorized by this Act for Indian families shall be available after the date of the enactment of this section only to members of federally recognized Indian tribes who reside on Indian reservations.

"(b) DEFINITIONS.—For purposes of this section, the terms 'Indian', 'Indian tribe', and 'Indian reservation' shall have the same meaning as that provided in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

"(c) EXCEPTIONS.—Subsection (a) shall not be construed as prohibiting or otherwise affecting any assistance provided to a family served by an Indian housing authority on the date of the enactment of this section.".

SEC. 6. CERTAIN WAGE RATES NOT APPLICABLE.

(a) WAGE RATES.—After the date of the enactment of this Act, the provisions of the Davis-Bacon Act (40 U.S.C. 276a) shall not be applicable to any construction, alteration, or repairs, including painting and decorating, carried out pursuant to any contract entered into after the date of the enactment of this Act, except as provided in subsection (b), in connection with any housing project of 40 units or less involving Indian housing developed or operated by an Indian housing authority.

(b) EXISTING CONTRACTS.—The provisions of subsection (a) shall not affect any contract in effect on the date of enactment of this Act, or any contract that is entered into on or after such date of enactment pursuant to invitations for bids that were outstanding on such date of enactment.

SEC. 7. CERTAIN PROVISIONS OF THE UNITED STATES HOUSING ACT OF 1937 NOT APPLICABLE TO INDIAN HOUSING PROGRAMS.

After the date of the enactment of this Act, the provisions of subsection (h) of section 6 of the United States Housing Act of 1937 shall not be applicable to any Indian housing program or assistance authorized or provided by such Act.

SEC. 8. HOUSING IMPROVEMENT PROGRAM.

(a) PROGRAM.—The Secretary of Housing and Urban Development shall carry out the program of housing assistance to Indians transferred to the Department of Housing and Urban Development by subsection (c). The Secretary of Housing and Urban Development is authorized to modify or otherwise change such program to meet the goals setforth in subsection (b).

(b) GOALS OF PROGRAM.—The Secretary of Housing and Urban Development shall administer such program in a manner which will assure that the program provides for renovations, repairs, and additions to existing Indian houses. In carrying out such repairs, the program shall provide repairs to houses that may remain substandard but need repairs for the health or safety of the occupants, and shall provide repairs to bring Indian houses to standard condition. It shall be the function of such program, among others, to benefit Indian families by providing decent, safe, and sanitary shelter, and reduce the health and social costs created by an unsafe and unsanitary environment.

(c) TRANSFER OF PROGRAM.—(1) There is transferred to the Department of Housing and Urban Development the Indian Housing Improvement Program of the Bureau of Indian Affairs, Department of the Interior.

(2) The provisions of paragraph (1) shall take effect on the expiration of the 180-day period following the date of the enactment of this Act.

(d) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the program transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of Housing and Urban Development. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(e) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the program transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such program, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(f) IN GENERAL.—(1) Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this section.

(2) Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of Housing and Urban Development to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this section, shall terminate on the effective date of this section.

(g) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of the program which are transferred under this section; and

(2) which are in effect at the time subsection (c)(1) of this section takes effect, or were final before the effective date of subsection (c)(1) of this section and are to become effective on or after the effective date of subsection (c)(1) of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Housing and Urban Development, or other authorized official, a court of competent jurisdiction, or by operation of law.

(h) PROCEEDINGS NOT AFFECTED.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Department of the Interior at the time subsection (c)(1) of this section takes effect, with respect to the program transferred by such subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(i) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced before the effective date of subsection (c)(1) of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(j) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of the Interior, or by or against any individual in the official capacity of such individual as an officer of the Department of the Interior, shall abate by reason of the enactment of this section.

(k) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Department of the Interior relating to the program transferred under this section may be continued by the Department of Housing and Urban Development with the same effect as if this section had not been enacted.

(l) TRANSITION.—The Secretary of Housing and Urban Development is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department of the

Interior with respect to the program transferred to the Department of Housing and Urban Development by this section; and

(2) funds appropriated to such program for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(m) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Secretary of the Interior with regard to the program transferred by this section, shall be deemed to refer to the Secretary of Housing and Urban Development; and

(2) the Department of the Interior with regard to the program transferred under this section shall be deemed to refer to the Department of Housing and Urban Development.

SEC. 9. INDIAN HOUSING AUTHORITIES.

Notwithstanding the provisions of section 201(b)(2) of the United States Housing Act of 1937, the provisions of sections 572, 573, 574, 581, and 957 of the Cranston-Gonzalez National Affordable Housing Act shall be applicable, effective on the date of enactment of this Act, in the case of public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority in the same manner and to the same extent as if section 201(b)(2) of the United States Housing Act of 1937 had not been enacted into law.

SEC. 10. TECHNICAL ASSISTANCE.

(a) TECHNICAL ASSISTANCE GRANTS.—The Secretary of Housing and Urban Development is authorized to make grants to Indian tribes for use by such tribes in obtaining technical assistance in connection with Indian housing programs.

(b) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Housing and Urban Development $500,000 to carry out the provisions of subsection (a).

SECTION-BY-SECTION ANALYSIS TO THE INDIAN HOUSING DEVELOPMENT ACT OF 1992

Section 1. Short title.

Section 2. Congressional findings.

Section 3. This section increases the budget authority sufficient to provide 6,000 units of Indian housing per year through FY '96. The current authorization—which is set to expire this year—provides for 3,000 units per year.

Section 4. This section codifies current administrative practice with regard to setting aside a specific allocation of Comprehensive Improvement Assistance Program funds for Indian housing authorities.

Section 5. (a) provides that only federally-recognized Indian tribes would be eligible for the HUD Indian housing program. Currently HUD does provide services to some state-recognized tribes. This section would make the HUD Indian housing program consistent with other federal Indian programs which provide services only to members of federally recognized tribes. State-recognized tribes which are currently being served by HUD would not be terminated as a result of this section.

(b) sets forth the definitions of key terms used in this section.

(c) provides that any family currently being served will continue to be eligible for services even if they are members of a state-recognized tribe.

Section 6. (a) provides that the prevailing wage rate shall not apply to an Indian housing project with 40 units or less.

(b) provides that existing contracts, contracts signed on the date of enactment or invitations for bids issued before the date of enactment shall not be affected by this section.

Section 7. This section makes technical changes to the 1937 Housing Act. Section 6(h) of the 1937 Act requires that an IHA first demonstrate that it is unable to acquire or rehabilitate an existing unit before it can develop any new units. This section would make 6(h) inapplicable because of the virtual non-existence of private market housing available for acquisition on Indian reservations. This section would not prohibit an IHA from acquiring or rehabilitating existing units if they are available.

Section 8. This Section transfers the existing Housing Improvement Program currently within the Bureau of Indian Affairs to the Department of Housing and Urban Development.

Section 9. Sections 572, 573, 574, 581, and 957 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. No. 101-625, November 28, 1990) are not applicable to Indian housing authorities (IHAs) because the requirements of Section 201(b)(2) of the U.S. Housing Act of 1937 (the 1937 Act) were not met. That section states:

"No provision of title I (or of any other law specifically modifying the public housing program under title 1) that is enacted after the date of the enactment of the Indian Housing Act of 1988 shall apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority unless the provision explicitly provides for such applicability."

The sections are:

573—(a) changes the definition of "family" to include single persons;

(b) states that amounts not actually received by the family may not be considered as income;

(c)(1) increases adjusted income deductions from $480 to $550;

(2) permits a medical expense deduction for non-elderly families;

(3) excludes from income calculations 10 percent of the earned income of a family and permits a deduction of the lesser of the amount of child support or maintenance or $550 for each individual for which the payor provides support.

Please note that Section 573 (b) and (c) provisions are effective only if approved in appropriations acts.

574—States that the temporary absence of a child from the family who is placed in foster care shall not affect the determination of family composition or family size under the 1937 Act.

581—Numerous amendments to the Public Housing Drug Elimination Act of 1988.

957—Subject to approval in appropriations acts, any assisted housing participant who was unemployed and subsequently becomes employed shall have any rent increase that results from such employment capped at 10 percent per year for three years.

Each section cited above is already law for the public housing program.

Section 10. This section authorized technical assistance grants to be made to Indian tribes. Tribes may then purchase technical assistance from the provider of choice.●

ADDITIONAL COSPONSORS

S. 127

At the request of Mr. CRANSTON, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 127, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health-care, education, housing, and insurance programs; and for other purposes.

S. 873

At the request of Mr. BOREN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 873, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives.

S. 914

At the request of Mr. GLENN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 1178

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1178, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenditures for vehicles which may be fueled by clean-burning fuels, for converting vehicles so that such vehicles may be so fueled, or for facilities for the delivery of such fuels, and for other purposes.

S. 1627

At the request of Mr. FORD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1627, a bill to amend section 615 of title 38, United States Code, to require the Secretary of Veterans Affairs to permit persons who receive care at medical facilities of the Department of Veterans Affairs to have access to and to consume tobacco products.

S. 1786

At the request of Mr. BAUCUS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1786, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1996

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1996, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes.

S. 1998

At the request of Mr. EXON, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1998, a bill to adopt the Airline Consumer Protection and Competition Emergency Commission Act of 1991.

S. 2064

At the request of Mr. HATFIELD, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2064, a bill to impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2103

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2104

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2104, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physical assistance, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2106

At the request of Mr. CRANSTON, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2117

At the request of Mr. SASSER, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2117, a bill to ensure proper service to the public by the Social Security Administration by providing for proper budgetary treatment of Social Security administrative expenses.

S. 2277

At the request of Mr. COHEN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2277, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 2328

At the request of Mr. BROWN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2337, a bill to provide for the budgetary treatment of Medicare payment safeguard activities, and for other purposes

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from Washington [Mr. GORTON] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs, to expand the Job Corps Program, and for other purposes.

S. 2489

At the request of Mr. DOMENICI, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2489, a bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes.

S. 2491

At the request of Mr. HATFIELD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2491, a bill to amend the Job Training Partnership Act to establish an Endangered Species Employment Transition Assistance Program, and for other purposes.

S. 2512

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2512, a bill to amend title 38, United States Code, to establish a program to provide certain housing assistance to homeless veterans, to improve certain other programs that provide such assistance, and for other purposes.

S. 2528

At the request of Mr. AKAKA, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2528, a bill to amend chapter 37 of title 38, United States Code, to establish a pilot program for furnishing housing loans to Native American veterans, and for other purposes.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Washington [Mr. GORTON], the Senator from Michigan [Mr. LEVIN], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 251

At the request of Mrs. KASSEBAUM, the names of the Senator from Florida [Mr. GRAHAM], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Kansas [Mr. DOLE], the Senator from Nevada [Mr. REID], the Senator from Tennessee [Mr. GORE], the Senator from Virginia [Mr. WARNER], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. THURMOND], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. GLENN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 251, a joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Kansas [Mr. DOLE], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the names of the Senator from Illinois [Mr. SIMON], the Senator from West Virginia [Mr. BYRD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating the week of Jan-

uary 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. BURDICK], the Senator from Wisconsin [Mr. KASTEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. LUGAR], the Senator from California [Mr. CRANSTON], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE RESOLUTION 215

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 215, a resolution to amend the Standing Rules of the Senate to require that any pay increase for Members be considered as freestanding legislation and held at the desk for at least 7 calendar days prior to consideration by the Senate.

SENATE CONCURRENT RESOLUTION 112—AUTHORIZING THE PRINTING OF THOMAS JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE

Mr. FORD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 112

Whereas parliamentary bodies require written rules of order for their proceedings to be conducted fairly and efficiently;

Whereas the Senate's first code of rules provided that "every question of order shall be decided by the presiding officer, without debate";

Whereas Thomas Jefferson, serving as the Senate's second president from 1797 to 1801, prepared for his own guidance a manual of legislative practice that included, under 53 topical headings, precedents from major authorities on parliamentary conduct;

Whereas "Jefferson's Manual" set the framework for the evolution of the Senate's rules and procedures, served to inspire respect for parliamentary law in the new Nation, and stands as one of Jefferson's most enduring intellectual ventures;

Whereas "Jefferson's Manual" was first printed for the use of the Senate in 1801 and was subsequently published by the Senate on a regular basis from 1828 to 1975;

Whereas the House of Representatives in 1837 provided by rule, which still exists, that the provisions of "Jefferson's Manual" should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House"; and

Whereas April 13, 1993, marks the 250th anniversary of the birth of Thomas Jefferson and it is fitting on this occasion to honor Jefferson and the continued development of parliamentary law: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "A Manual of Parliamentary Practice for the Use of the Senate of the United States" by Thomas Jefferson (with the editorial assistance of the Senate Historical Office under the supervision of the Secretary of the Senate).

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 10,000 copies for the use of the Senate and House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives.

SENATE RESOLUTION 289—RELATING TO "RIGHTEOUS GENTILES" OF THE HOLOCAUST OF WORLD WAR II

Mr. D'AMATO (for himself, Mr. DECONCINI, and Mr. DURENBERGER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 289

Whereas Nazi Germany, from its birth, as a matter of policy, sought the apprehension, persecution, and death of all of Europe's Jews;

Whereas Nazi Germany brutally invaded and occupied much of Europe and engaged in the systematic destruction of Europe's Jewish population through an expansive network of concentration camps;

Whereas thousands of people risked their lives, many having been executed, only because they provided protection to innocent Jews;

Whereas over 500,000 Jews throughout Europe were rescued during the Second World War by these people, now known as "Righteous Gentiles": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the actions of those heroic men and women who risked their lives to protect their fellow man in so dangerous a time as the Holocaust of the Second World War;

(2) calls upon the President to issue a proclamation honoring these heroes for their actions in saving so many thousands of Jews in Europe during the Holocaust.

• Mr. D'AMATO. Mr. President, I rise today on the eve of the official day of the Holocaust commemoration, "Yom Hashoa," to submit a resolution honoring a group of men and women who have not received the attention they should have. All were heroes who fought to save the innocent from the greatest evil man has ever faced. Known by some as "Righteous Gentiles," these selfless people gave sanctuary and protection to thousands of Jews fleeing the Nazis as they ravaged Europe collecting Jews for the final solution.

The methods by which they saved the lives of Jews varied. Some provided shelter in their own homes, or in convents or churches. Other provided an array of false documents and passports. Still others operated underground movements, transferring Jews on an ongoing basis to safe haven outside of the reach of the Nazis. All over Europe, civilian and military alike, people risked death by saving Jews from the gas chambers.

In Denmark, the underground was able to save nearly its entire Jewish community of 8,000. In Hungary, Raoul Wallenberg saved over 100,000 Jews. In France, Capuchin monk Marie-Benoit helped hundreds escape to Switzerland and Spain. In Lithuania, Sister Anna Borkowska helped the Jewish underground by hiding them in her convent and by smuggling arms to them. In Belgium, Abbe Joseph Andre, provided safe houses for the Jewish underground. In Poland, Dr. Jan Zabinski, the head of the Warsaw parks administration hid Jews in the zoo. Italian priests Monsignor Giuseppe Nicolini and Fathers Rufino Niccaci and Aldo Brunacci provided safe passage for hundreds of Jews passing through the Apennine Mountains. The Ukrainian Witold Fomienko, hid scores of Jews in the Lutsk region of Ukraine, despite the overwhelming threat to his life.

These brave, selfless heroes gave more than could have ever been expected of them. Many made the ultimate sacrifice—their lives—to save a people that were targeted for death. Their actions will live on in the memory of those whom they saved and in the history of the 20th century. In the midst of death and destruction, these daring few risked all for their fellow man. As it says in the Talmud, "Whosoever preserves one life is as though he has preserved the entire world." Let us honor those men and women who dared to stand up to the Nazis and say no. I urge my colleagues to join me in cosponsoring this resolution.•

SENATE RESOLUTION 290—REGARDING THE AGGRESSION AGAINST BOSNIA-HERCEGOVINA AND CONDITIONING UNITED STATES RECOGNITION OF SERBIA

Mr. PRESSLER (for Mr. DOLE, for himself, Mr. PELL, Mr. HELMS, Mr. D'AMATO, Mr. GORE, Mr. GORTON, Mr. PRESSLER, Mr. MCCAIN, Mr. BREAUX, Mr. GARN, Mr. SEYMOUR, and Mr. MACK) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas from February 29–March 1, 1992, the Republic of Bosnia-Hercegovina held a referendum in which 99.7% of the citizens who participated voted for independence from the former Yugoslavia;

Whereas on April 6, 1992, the Republic of Bosnia-Hercegovina was granted diplomatic recognition by the European Community and on April 7, 1992, was recognized by the United States;

Whereas since April of 1992 the Serb-led Yugoslav Army and Serbian militants have been engaged in brutal military action

against the government and people of the Republic of Bosnia-Hercegovina resulting in the death of innocent civilians, the displacement of tens of thousands of persons, and the destruction of homes, schools, mosques, synagogues and churches;

Whereas the attack on Bosnia-Hercegovina follows aggression against the newly independent Republic of Croatia which resulted in the death of more than 10,000 people, the displacement of more than 700,000 persons, and the occupation of a significant portion of Croatia's territory;

Whereas the attacks on Bosnia-Hercegovina and Croatia by the Yugoslav Army and Serb militants constitute an attempt by the Government of the Republic of Serbia to alter borders by the use of force;

Whereas according to an official with the United Nations High Commissioner on Refugees, Serbian-led forces are delaying, diverting, and stealing humanitarian relief supplies donated to Bosnia-Hercegovina by the United States and other countries;

Whereas the Serbian government has maintained a brutal and repressive regime of martial law in Kosova and deprived the two million Albanians of Kosova of their political and human rights, including their right to self-determination;

Whereas Serbia's repressive policies in Kosova and the aggression of the Serb-led Yugoslav Army in Bosnia-Hercegovina and Croatia constitute serious violations of the Helsinki Accords and the Helsinki Final Act;

Whereas the United States, the European Community and the Conference on Security and Cooperation in Europe have condemned the aggression of the Serbian-led Yugoslav Army and Serbian irregulars, as well as the martial law regime in Kosova;

Whereas, on April 23, 1992, 25,000 Serbian citizens in Belgrade participated in an antiwar protest;

Whereas, extensive international diplomatic efforts, and the deployment of United Nations monitors and peacekeeping forces, have failed to achieve the withdrawal of Serbian-led forces and the restoration of peace in the Republics of Bosnia-Hercegovina and Croatia;

Whereas, the Socialist Federal Republic of Yugoslavia has ceased to exist: Now, therefore, be it

Resolved, That—

(1) The United States should hold accountable the Government of Serbia for the attacks on and occupation of the Republics of Bosnia-Hercegovina and Croatia, and for the extensive and systematic abuse of human rights in Kosova.

(2) The United States should withhold diplomatic recognition of Serbia and its ally Montenegro, who proclaimed themselves the "Federal Republic of Yugoslavia" on April 28, 1992, until Serbia ceases its aggression against the independent states of Bosnia-Hercegovina and Croatia; withdraws its forces from Bosnia-Hercegovina and Croatia; and halts its brutal repression of the Albanian people in Kosova and denial of the right to self-determination.

(3) The United States should actively encourage its allies to follow the same course.

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Mr. BUMPERS. Mr. President, the Subcommittee on Government Contracting and Paperwork Reduction of the Committee on Small Business has scheduled a hearing for Thursday, April 30, 1992. The purpose of the hearing is to receive testimony regarding the implementation by the executive branch of the Small Business Competitiveness Demonstration Program, a 4-year test program which was authorized by title VII of Public Law 100-656, the Business Opportunity Development Reform Act of 1988. The hearing is to be held in the committee's hearing room, SR-428A, commencing at 10 a.m. The hearing will be chaired by Senator DIXON, chairman of the subcommittee.

Testimony is expected from two panels of witnesses. The first panel will consist of representatives of the Office of Management and Budget [OMB] and the Small Business Administration [SBA], who, in essence, will provide a preview of the statutorily required report on the results of the first 3 years of the demonstration program. OMB will be represented by the Administrator for Federal Procurement Policy, Dr. Allan V. Burman, whose office formulated the demonstration program's implementational details and is monitoring the activities of the participating executive agencies with respect assessing the competitiveness of small business concerns to participate successfully in unrestricted Government contract competitions for services in certain designated industry groups. The SBA will be represented by the Deputy Associate Administrator for Finance, Investment and Procurement, Mr. Mitchell F. Stanley, who will provide SBA's assessment of the efforts of the participating agencies to expand small business participation in selected targeted industry categories which have historically demonstrated low rates of small business participation.

The second panel will consist of witnesses representing several of the industry groups designated for participation in the test program. Testimony is expected from Karen Hastie Williams, a former Administrator for Federal Procurement Policy and from a representative of the Associated General Contractors of America.

Further information concerning this subcommittee hearing may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 10 a.m., for a hearing on long-term care insurance standards and accountability.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. PELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, to hold a hearing on "Efforts To Combat Fraud and Abuse in the Insurance Industry: Part 5."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 29, 1992, at 10 a.m. to hold a hearing on the short-term and long-term needs of the Unemployment Compensation Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agricultural Taxation of the Committee on Finance be authorized to meet during the session of the Senate on April 29, 1992, at 2 p.m. to hold a hearing on farm tax fairness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 9:30 a.m. to hold a hearing on the nomination of Lee H. Rosenthal, to be U.S. district judge for the Southern District of Texas, Joe Kendall, to be U.S. district judge for the Northern District of Texas, Richard H. Kyle, to be U.S. district judge for the District of Minnesota and Robert E. Payne, to be U.S. district judge for the Eastern District of Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 10 a.m., to hold a hearing on "Cable Compulsory License, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Justice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 10:30 a.m., to hold a hearing on "A New Focus on Prevention."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 2 p.m., to hold a hearing on S. 2521.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., April 29 and 30, 1992, to receive testimony on S. 21, to provide for the protection of the public lands in the California Desert, H.R. 2929, the California Desert Protection Act of 1991, and S. 2393, a bill to designate certain lands in the State of California as wilderness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet on Wednesday, April 29, 1992, at 2 p.m., in open session, to receive testimony on military construction; military base closures; and the Department of Defense role in community impact assistance in review of the amended defense authorization request for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Nancy N. Ray, a member of the staff of Senator HELMS, to participate in a program in Taiwan, sponsored by the Soochow University, from April 19–25, 1992.

The committee has determined that participation by Ms. Ray in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Francesca Turchi, a member of the staff of Senator RIEGLE, to participate in a program in Taiwan, sponsored by the Soochow University, from April 19–25, 1992.

The committee has determined that participation by Ms. Turchi in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Katherine Brunett, a member of the staff of Senator SIMPSON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs from April 11–26, 1992.

The committee has determined that participation by Ms. Brunett in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Stan Cannon, a member of the staff of Senator SIMPSON, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 14–20, 1992.

The committee has determined that participation by Mr. Cannon in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for David M. Wetmore, a member of the staff of Senator SEYMOUR, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 14–21, 1992.

The committee has determined that participation by Mr. Wetmore in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Elizabeth Stolpe, a member of the staff of Senator MURKOWSKI, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12–19, 1992.

The committee has determined that participation by Ms. Stolpe in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mike Knapp, a member of the staff of Senator DOMENICI, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 13–20, 1992.

The committee has determined that participation by Mr. Knapp in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Linda McIntyre, a member of the staff of Senator WOFFORD, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 14–20, 1992.

The committee has determined that participation by Ms. McIntyre in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Denise Greenlaw Ramonas, a member of the staff of Senator DOMENICI, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12–19, 1992.

The committee has determined that participation by Ms. Greenlaw Romonas in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Carter Pilcher, a member of the staff of Senator BROWN, to participate in a program in China, sponsored by the United States-Asia Institute, from April 11–26, 1992.

The committee has determined that participation by Mr. Pilcher in this program, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Bryce Dustman, a member of the staff of Senator BURNS, to participate in a program in Taipei, sponsored by the Tamkang University, from April 13–20, 1992.

The committee has determined that participation by Mr. Dustman in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Donald Hardy, a member of the staff of Senator SIMPSON, to participate in a program in Singapore, sponsored by the United States-Asia Institute, from April 23–29, 1992.

The committee has determined that participation by Mr. Hardy in this program, at the expense of the United States-Asia Institute, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Charles Battaglia, a member of the staff of Senator SPECTER, to participate in a program in Italy, sponsored

by the United Nations International Scientific and Professional Advisory Council [UNISPAC] from March 25–28, 1992.

The committee has determined that participation by Mr. Battaglia in this program, at the expense of the UNISPAC is in the interest of the Senate and the United States.●

PARRY CENTER FOR CHILDREN DESERVES RECOGNITION AS A POINT OF LIGHT

● Mr. PACKWOOD. Mr. President, I rise today to recommend that the people of the Parry Center for Children in Portland, OR, be awarded a point of light for their long record of outstanding service to Oregon's children. The Parry Center is an example of dedicated people who have made a difference in thousands of lives.

The organization was formed in 1867 to care for children who have no place to go. Then, the center provided for orphaned children reaching the end of the Oregon Trail with wagon trains. This year the Parry Center celebrates 125 years of service with the theme, "125 Years * * * Continuing the Promise."

The center is continuing the promise by caring for society's vulnerable children—those who are severely emotionally disturbed. These children have suffered trauma as a result of such tragedies as abuse, neglect, a dysfunctional family environment, and substance abuse by family members.

The center cares for Oregon children from infancy to 18 years of age in a treatment program developed to successfully return them to productive life in society. Most of the children have gone on to be successful adults, and many return to visit the Parry Center.

More than 500 children and their families are served each year by hundreds of volunteers and a full-time staff of 85. Services like 24-hour residential treatment for critically disturbed children and outpatient therapy for sexually abused children are provided.

Children are the Nation's future and must be provided all the love and support they need to become active, contributing members of society. The Parry Center truly offers this love and support for children who have no place to go. The service of the devoted volunteers and staff of the Parry Center deserves recognition as a point of light.●

ONE OF OUR NATION'S BEST—WAIAKEA HIGH SCHOOL

● Mr. AKAKA. Mr. President, it is with great pride that I rise today to congratulate Waiakea High School on being selected one of our Nation's best schools by Redbook magazine. Waiakea High School, located on the big island of Hawaii, was bestowed this distinction along with 139 public secondary schools throughout our country.

Accolades and awards are not new to Waiakea—it is the norm, having been honored as a blue ribbon secondary school by the U.S. Department of Education in 1989. Waiakea has all the necessary components to spell success in education: a comprehensive athletic program, a proud and active student body, involved parents and community, a challenging curriculum, dedicated and competent faculty, and strong administrative leadership. It is the kind of school that we want our children and grandchildren to attend—it is the epitome of what works in public education.

Waiakea's list of accomplishments is impressive, and no one has to look any further than the campus itself for an indication of their high standards in every regard—it is immaculate. It is an environment conducive to learning and achieving, and it is evidence of the great pride and respect the students, faculty, and administration have for their school and for each other.

I would like to congratulate Mr. Danford Sakai, principal of Waiakea, on this most prestigious honor. Although Mr. Sakai attributes much of his school's success to his outstanding faculty and parents, and is thankful for the support of Hawaii Department of Education Superintendent Charles Toguchi and District Superintendent Alan Garson, it is Dan Sakai's directorship, foresight, and commitment to excellence that guides Waiakea on the road to success.

Waiakea sets the standard for education. In one of its commendations, it was referred to as the "flagship of the fleet." I can think of no better words to describe Waiakea High School, as Mr. Sakai commands the helm. Congratulations on a job well done.●

DIPLOMATIC RECOGNITION OF SLOVENIA, CROATIA, AND BOSNIA-HERCEGOVINA

● Mr. JOHNSTON. Mr. President, I was very pleased to hear earlier this month that the administration had, at long last, decided to recognize the independence of Slovenia, Croatia, and Bosnia-Hercegovina. I am eagerly anticipating the establishment of full diplomatic relations with the three countries, and the first stages of what I trust will be a long and fruitful international association between our respective nations. My delight at the announcement of recognition was mitigated only by my conviction that the measure comes far later than it should have, and by reflection on the months of catastrophic losses in all of these countries that might possibly have been avoided or shortened by earlier action.

I do not mean to imply that I see the U.S. recognition as a cure for the hostilities that continue even as we speak—such a notion is naive and unrealistic. However, I am very hopeful, as I know we all are, that this recognition and all that it symbolizes will be an important contribution to current efforts to end the fighting in that troubled region, and to help to build a lasting peace.●

SUNSWEET GROWERS OF AMERICA

●Mr. SEYMOUR. Mr. President, it is with great pleasure that I rise today to bring to your attention the 75th anniversary of Sunsweet Growers, one of California's and America's finest and most successful cooperatives. Sunsweet has made considerable progress since its inception in 1917. Starting as a small cooperative, today it represents over 600 farming families. Sunsweet is the world's largest prune producer and handler with over $200 million in annual sales in over 30 countries worldwide.

Sunsweet Growers' processing facility located in Yuba City, CA, employs more than 400 people who meet the growing demands and needs of both domestic and international markets. Sunsweet's Yuba City prune processing plant is the largest facility of its kind in the world with over 22 acres under its roof. The future indeed looks bright for another 75 years of success for Sunsweet, as more and more consumers become aware of the health benefits of a high fiber diet, and as new market opportunities develop worldwide.

I salute the dedicated members of Sunsweet Growers for their hard work and dedication on behalf of this successful cooperative. It is agricultural cooperatives such as Sunsweet Growers that deserve our recognition and respect for their years of commitment to producing a quality American product.●

HONORING MADAM MARIE ALBERT BLUM, THE HEROINE OF WEZEMBEEK, BELGIUM

● Mr. D'AMATO. Mr. President, I rise today, on the eve of the official day of the Holocaust Commemoration, "Yom Hashoa," to honor a special lady, Madam Marie Albert Blum.

Madam Blum, operated the "Home of Wezembeek," a former sanatorium, that at any given time, sheltered 50 to 100 Jewish children from the brutality of the Holocaust.

These children were housed, fed, educated, and most of all, hidden from the Gestapo. She went to great lengths to protect these innocent children, risking her life to protect them. Throughout the war, she smuggled children in and out of the home and into the hands of the underground or into other homes throughout Belgium.

If a child had reached the age of 16, he or she would be in danger of being seized by the Gestapo and shipped off to a concentration camp. She made sure that this did not happen. Her efforts in October 1942 proved this.

At that time, 58 boys and girls and 8 adults fleeing the Nazi onslaught were ordered to be deported to Auschwitz from Wezembeek. In this critical time, Madam Blum intervened, steadfastly refusing to allow the Germans to take them. With the help of Queen Elizabeth of Belgium, they were ultimately saved.

In August 1944, there was a final roundup of all of Belgium's Jews. Like the others, the children of Wezembeek were subject to the same call. Madam Blum hurriedly arranged for papers for all of the children and smuggled them out to safety.

Madam Albert Blum, now 78, has continued to watch over her children. She acts as the worldwide coordinator for Wezembeek's survivors of the Holocaust. While keeping a list of the names and addresses of these men and women, she serves as a vital coordinating link to the group's dwindling numbers.

The legacy left by this true heroine is the undying love and care one human being gave to a doomed people. She risked her life to save a people that were chased and hunted down only because they were Jewish. Madam Marie Albert Blum is a symbol of the best of humanity facing the most horrible of times.

Although long overdue, I wish to offer my thanks in behalf of the children of Wezembeek for her care and love. She will never be forgotten.●

TRIBUTE TO CALDWELL COUNTY HIGH SCHOOL

● Mr. MCCONNELL. Mr. President, I rise today to recognize the academic and civic accomplishments of an aspiring group of Caldwell County High School students who proudly represented the Commonwealth of Kentucky during the recent national competition of "We the People . . .," the National Bicentennial program on the Constitution and Bill of Rights in Washington, DC.

In the early years of our Nation's development, Thomas Jefferson stated:

> I know no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

As a national civics education program, "We the People . . ." exemplifies the belief that democracy's strength is founded on the knowledge and foresight of its citizens. The program's format teaches the tenets of our Constitution and Bill of Rights through critical analysis of democratic principles, active class discussions on current events, and community projects aimed at improving governmental participation.

Mr. Roy Rogers' Caldwell County High School student government displays the initiative and dedication upon which our Nation's pride is based. Their title as Kentucky's "We the People . . ." representative is only a small part of their accomplishments. During the 1991 fall elections, Mr. Rogers' students devoted their energies to delivering campaign literature on Republican and Democratic party candidates and to urging local citizens to register and vote. Through their tireless efforts, these students contributed to Caldwell County's ranking among Kentucky's top ten in voter turnout.

From their experiences in the "We the People . . ." program, this group of young Kentuckians developed a comprehensive view of the purpose and function of our governmental system which has better prepared them to address the future challenges of our State and country. Mr. President, it is with great pride that I present Kentucky's 1992 delegation to "We the People . . .": Suzanne Arbuthnott, Eddie Asher, Aaron Carner, David Carner, Mark Bumphus, Chris Ladd, Tracy Rogers, Shayne Haile, Jason Wilson, Brian McCormick, Whittni Cayce, Curtis Trimble, and Michael Johnson; Mr. Roy Rogers, instructor; Mr. Joe Gooch and Mr. Duane Bolin, congressional district coordinators; and Ms. Tami Dowler, State coordinator.●

TRIBUTE HONORING BRIG. GEN. JOHN O. MCFALLS III

● Mr. MCCAIN. Mr. President, on behalf of all Members of the U.S. Senate, it is my great pleasure to recognize Brig. Gen. John O. McFalls III, the deputy director of the Air Force's legislative liaison organization, for his distinguished service to the Senate, the Armed Services Committee, the U.S. Air Force, and to our Nation. For the past 2 years, the Senate has enjoyed the outstanding leadership and commitment to service demonstrated by General McFalls. During this period, the Air Force has done an outstanding job of providing complete and accurate information for use in congressional oversight of Air Force programs and has insured highly responsive replies to the many inquiries that Members of the Senate have forwarded on behalf of our constituents. In addition, General McFalls has enhanced the Air Force's understanding of congressional concerns regarding issues involving the Air Force. It has been the Senate's good fortune to have had a second generation of service from the McFalls family. General McFalls' father, Col. John O. McFalls, Jr., USAF retired, served with distinction as chief of the Air Force's Senate Liaison Office from 1967 to 1970. General McFalls is an inspiration to all who know him. My colleagues and I join in wishing General McFalls continued success in his new assignment as director of operations and plans for the Air Training Command.●

IN SUPPORT OF A UNITED STATES DENIAL OF DIPLOMATIC RECOGNITION OF THE NEW YUGOSLAVIA

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of a resolution calling for the denial of United States diplomatic recognition to the new Yugoslavia, until certain steps are taken. Before we recognize the new entity, Serbia must end its war against its neighbors Croatia, Bosnia, and Slovenia and it must let Kosova go.

Serbia's declaration of April 28, 1992, proclaiming the new Yugoslavia is nothing more than the replacement of one Serbian terrorist regime with another. Its war of expansion and terror has resulted in the death of over 10,000 people. Serbia's treatment of Kosova's 2 million Albanians is not much better and serves as a flagrant example of tyranny at its worst.

Kosova's Albanians, still deprived of their independence, have been subjected to arbitrary shootings, summary arrests and administrative detention without charge, forced job loss, and numerous other obscene violations of their human rights. The Albanians of Yugoslavia certainly deserve better.

The Croatians and Bosnians also deserve better. Long subjugated by the Serbian junta, these brave people have fought and won the right to live their lives free of Serbian control. They should now be allowed to build their own nations. Unfortunately, Serbia continues to refuse to recognize this fact.

The only solution for peace in the Balkans is for Serbia to pull back its forces and end its war of annihilation once and for all. Serbia must stop its aggression against Croatia, Bosnia, and Slovenia, and allow Kosova to go free. Only then should we consider recognizing the new Yugoslavia.

I commend my colleague, Senator DOLE, for offering this important resolution and I encourage my colleagues to join us in cosponsoring it.●

WOMEN IN NEW MEXICO HISTORY

● Mr. DOMENICI. In my home State, we have always been very proud of our special cultural heritage, which is a potpourri of diverse races, religions, and cultures living together. Because of our uniqueness, we have always made a special effort to recognize the contributions that each group has made to our State, and I would like to take just a moment to bring to your attention a very special, and often overlooked, component of New Mexico's history—New Mexico's women.

While the women of New Mexico have a long and noteworthy list of accomplishments, uncovering their history

has been a daunting task. However, thanks to the efforts of Sharon Niederman, Joan Jensen, Suzan Campbell, and numerous researchers, historians, and other scholars, we are beginning to devote some attention to the important contribution of women in New Mexico.

Frankly, this attention is well-deserved and long overdue. New Mexico's women have played a key role in shaping our State, long before New Mexico achieved statehood in 1912. Many of these women are not of any single race, culture, or ethnic group; instead, their common bond is their diversity and innovation: Women like Florence Hawley Ellis, an anthropologist and educator; Myrtle Attaway Farquhar, educator and humanitarian; Nina Otero-Warren, a politician and suffragist; and Maria Beatrice Shattuck, humanitarian activist.

Susan Loubet has written an excellent article in the Albuquerque Woman magazine that I think provides an engrossing look at women's lives and contributions, and what is being done to document and preserve that history. Clearly, this is a valuable part of our State's cultural, social, and intellectual development, and I am pleased that steps are being taken to uncover and document this fascinating and important aspect of New Mexico's history.

I ask that this article, "Documenting Our Lives," be printed in the RECORD.

The article follows:

[From Albuquerque Woman, Mar./Apr., 1992]

DOCUMENTING OUR LIVES

(By Susan Loubet)

New Mexico is rich in treasures of women's history. Sharon Niederman discovered this when she began looking at the lives of early women settlers of the West through their letters, published in her book, A *Quilt of Words*. New Mexico State University Professor Joan Jensen has long been studying everyday lives of women lives of women homesteaders and ranchers. In 1986, she and Darlis Miller collaborated on the *New Mexico Women Book*. The proceeds from its sales funded the Women's History Archives at New Mexico State University in Las Cruces. These archives include the papers of ranchers and local organizations, and the oral histories of tenant farmers and field workers.

Others have also begun to collect the almost forgotten stories of women who have gone before us, realizing how much we owe them, how much they have shaped the possibilities of life for us in New Mexico.

Suzan Campbell is beginning an ambitious and exciting project which will bring the lives of women artists in New Mexico to scholars, art lovers, and students. She is using a computer, which will be linked to museums and libraries, because she believes that archives should be accessible to everyone. She plans to design a data base which will include a visual display of the work of the women artists she has researched. A lead grant to start the project was partially funded by the New Mexico Women's Foundation.

Campbell, an art historian and art curator and a Santa Fe native, found when she was researching women artists who were part of the Taos art colony, that the work of women who were once fairly well known has slipped into obscurity. She cites for instance Blanche Grant, who was not a member of the famous Taos Society of Artists, but frequently joined its male members on painting trips. In an article in a recent issue of *Antiques & Fine Art*, Campbell recalls, "When she died, her funeral was held in Taos's Presbyterian Church whose walls she had covered with murals in 1921 . . . . Despite her accomplishments, Grant's reputation soon faded." Campbell declares that Mabel Dodge Luhan, well-known benefactor and catalyst of Taos intellectual and creative life, would be "amazed if she knew how little known most of these artists' works are today." Campbell speculates that because early women artists combined art careers with lives as housewives, hostesses, and art patrons, they were not considered as serious about their art as were the men of the colony. She decided to create the Archives of New Mexico Women Artists, in which we will find information about women's lives as well as examples of their art. She is also interested in exploring the causes of obscurity of New Mexico women artists and how they have dealt with career issues, as well as how public perceptions of their lives and art have changed. Currently under consideration is where the archives will be housed, but she anticipates that they will be valuable not only to New Mexicans but also to others outside the state.

A large part of the interest and fun of tracking down early women seems to lie in the difficulty of the hunt. New Mexico Court of Appeals Justice and former University of New Mexico Law School Professor Pamela Minzner was struck by how hard it is to find details on women's, as opposed to men's, lives, when she began to try to determine who was the first woman admitted to the bar in New Mexico. In 1989 while preparing a speech, she found a book which referred to women lawyers in America as "The Invisible Bar." Minzner remarks, "I never heard that, that women had been around for three hundred years as lawyers. This was when there was a more informal system for becoming a lawyer. After men started going to school to become lawyers, women dropped out of the picture." In the case of New Mexico, the book had the wrong information. Minzner went to the Supreme Court's roll of attorneys and in that roll was a scrap of paper with five or six names of women admitted to practice in New Mexico. For Minzner, trying to figure out who was the first led to an appreciation of just how many women have preceded us. "There were just so many. Those of us coming along in the later '60s thought of ourselves as not owing much to anybody. We thought of ourselves as pioneers to some extent. I didn't have a sense of those generations before us who had made it possible for us to go into law in the late '60s.

Minzner's research sparked interest in others, particularly Santa Fe lawyer Marcia Wilson, who has now taken up the search, compiling a list of all the women admitted to the bar in New Mexico, along with the details of their lives. it seems that hats were an important consideration in the early days of women in court. One early lawyer got money from her uncle to buy a hat for the swearing-in ceremony. Women wore hats in public; men lawyers took off their hats in court—hence the dilemma.

For Jan Dodson Barnhart, associate director of UNM's Center for Southwest Research, the spark for her interest in women's history was a 1976 exhibit, "Women in New Mexico," put together by the American Association of University Women, now archive #310 in the Center's collection. She and archivist Kathleen Ferris are constantly sending out the call for women's material. They store some of the records of women's organizations such as the League of Women Voters and the National Women's Political Caucus of New Mexico as well as papers of women writers and teachers. The ninety-one scrap books of historian Erna Fergusson are a popular resource as are the Doris Duke-funded collection of 982 American Indian oral history tapes recorded between 1967 and 1972. Many women are featured in the tapes, recounting the details of their daily lives. Some of the records are unusual, but will be important to historians: the records of Casa Angelica, for instance, and the early papers of the Santa Fe Maternal and Child Health Center which track the beginning of the birth control movement in New Mexico. Barnhart and Ferris are looking for women's diaries and the papers of everyday women. "Women tend to be more descriptive and sensitive and more careful about preserving things. The more we get out there, the more there is. Sometimes it takes ten years to get a collection." In fact, it was often women who were the records managers.

"The records of the New Mexico Legal Secretaries always come in perfect order." Ferris especially likes working with the papers in New Mexico because there were "so many personal connections between people. Everybody knew everybody else. Networking has been going on for years here." Barnhart is writing a book on women in New Mexico. She realized that there was a void in our information and that in fact some of the information is wrong. She worries about the historians of the future because there are few records anymore. People don't write letters any more; they do everything by phone.

Other women, realizing that our history is slipping away, have been collecting specialized archives. Marion Bell has been clipping UNM's Lobo to recover women's history at UNM, especially for this month's celebration of 50 years of the Women's Center at UNM. If you've been inspired to go through your papers looking at them with an eye to future generations, or, if you would like to start an oral history project of your own, you can learn the trade at workshops conducted by the Southwest Oral History Association at UNM.

Joan Jensen explains, "Some other states with more resources and more wealthy people of public achievement have huge archival projects." If we look at the archival work being done in New Mexico, we find a focus on strong women—ranchers, farmers, artists, and others—who were drawn here by the light, the opportunities, and the freedom. With the work that's being done, we'll be able to have an idea of just what kind of women they were.•

HONORING SOLOMON SCHECHTER DAY SCHOOL

• Mr. D'AMATO. Mr. President, I rise today to honor Solomon Schechter Day School on the occasion of their 10th anniversary. Located in Suffolk County, the school is noted for its constant pursuit of excellence in all aspects of its educational program. With a current enrollment of over 160 children drawn from 25 school districts, the school takes pride in its ongoing growth, as the school endeavors to reach out and

provide for the educational needs of Jewish children throughout the region.

Let me tell you a little about the school. Its program combines the best of general studies and integrates it with courses in the language and heritage of the Jewish people. Class size is small, and students are encouraged to think critically, imaginatively, and creatively. Students are also encouraged to be in tune with their respective communities and the world at large.

Ethics of the Fathers has taught us that there is no finer crown than that of a good name. Solomon Schechter Day School has strived to earn a good name. I believe that they have succeeded thus far and suspect that they will continue to keep that good name as they enter their second decade.

As the Solomon Schechter Day School completes its 10 year of operation, and kicks off its year-long anniversary celebration I wish them continued success in the future.•

PETER BAGLIO

• Mr. LAUTENBERG. Mr. President, I rise today to congratulate and pay honor to Mr. Peter Baglio, the Director of the VA Medical Center, East Orange, NJ. After devoting more than 40 years of his life to serving veterans, health care needs, Mr. Baglio has announced that he will retire in May.

From the time Peter Baglio joined the U.S. Army in 1941, he never relented in his service to his country, America's veterans and the surrounding communities.

Mr. Baglio was educated at Brooklyn College, the City College of New York, and the Johns Hopkins University. He began his long and distinguished career with the VA health care system in 1946 as an assistant manager trainee. From 1952 through 1960 he worked at the VA hospitals in Baltimore, MD, and Brooklyn, NY, as an assistant manager. In 1960, he was promoted to Assistant Director of the VA Hospital at Lyons, NJ.

Through the years, Peter Baglio continued his distinguished career at Maimonides Hospital in Brooklyn, NY, as associate administrator, later, he became vice president for planning. In 1980, Peter Baglio assumed the position of Director of the VA Medical Center at East Orange, NJ, the position from which he will retire this month.

The State and the people of New Jersey have been well served by the dedication and devotion he has shown toward providing not only the best health care possible but also true friendship and caring.

In the complex health care system of the VA it takes more than good management and administrative skills to succeed. It takes understanding and kindness. Peter Baglio has that rare ability to provide just the right amount of all of these and then some.

So it is with great pride, Mr. President, that I congratulate Mr. Peter Baglio on his retirement, thank him and wish him well on behalf of all people from my home State of New Jersey for the illustrious years of care he has provided to us.•

MONTAUK POINT LIGHTHOUSE

• Mr. D'AMATO. Mr. President, I rise today to recognize a historic landmark in my home State of New York. Two hundred years ago, by an act of Congress, President George Washington authorized the construction of a lighthouse on the tip of Long Island at Montauk Point.

On November 5, 1797, Jacob Hand lit the wicks of 13 whale oil lamps and a light shone from the Montauk Point Lighthouse for the first time. Since its first day of operation, the lighthouse at Montauk Point has undergone many changes. In 1987, the bright light on Montauk Point was replaced with a fully automated lighting apparatus. This modernization eliminated the need for a keeper altogether. However, in an effort to provide continued maintenance and preservation of the Montauk Point Lighthouse, the Coast Guard leased the lighthouse to the Montauk Historical Society. This summer will make the third year the Historical Society has opened Long Island's most famous landmark to the public.

Visitors to the lighthouse museum have enjoyed the spectacular view from the top of Turtle Hill, the museum exhibits and the climb up the tower. The highlight of the exhibits is the Fresnel lens that provided the beacon for the Montauk Point Lighthouse from 1904 until 1987. It is awe-inspiring to admire this work of art.

Mr. President, anyone who has ever navigated a vessel through the waters of Montauk knows of the potential peril that awaits them. The crushing surf is enough to destroy the most seaworthy of ships. However, through the years, it has been this courageous lighthouse, standing guard on the pristine point of Montauk, which guides sea-goers from a treacherous fate.

Mr. President, I would just like to take this opportunity to memorialize the lighthouse off the point of Montauk, and although its 200th year of existence is not until 1995, recognize its contributions throughout the years.•

WES BIRDSALL OF OSAGE, IA

• Mr. HARKIN. Mr. President, this week the city of Osage, IA, will lose its municipal utility general manager. Normally, I would not take the Senate's time to report the retirement of a municipal utility official.

But Wes Birdsall is not a typical utility general manager. Wes Birdsall, over the last 20 years, has established what has become a national model for the benefits of energy efficiency in the utility business. He has firmly established that one small community can substantially reduce energy bills, cut pollution, and reduce our dependence on imported energy by cutting down the amount of energy required to heat, cool and light our homes, and power our industry.

In 1974, soon after the first Arab oil embargo, Wes Birdsall decided that cutting down energy consumption was the best approach to avoid substantial costs to add more generating capacity. But he needed the cooperation of his customers. So he went door to door, extolling the virtues of conservation and energy efficiency. It was not easy in the beginning. Some people were skeptical of this utility manager who was encouraging customers to buy less of his product. But Wes Birdsall persevered, and most of the community became enthusiastic supporters of energy conservation, competing with each other to see who would have the lowest energy consumption.

Wes Birdsall and his staff launched an impressive, long-term program to cut energy consumption. He installed insulation blankets on home water heaters. He installed high-efficiency light bulbs, bought a tree planting machine to assist customers in planting shade trees to cut down air conditioning loads, and reduced energy rates for superinsulated homes. He bought an infrared scanner to locate heat losses in buildings and homes.

Wes Birdsall even succeeded in getting 96 percent of Osage's homeowners with central air conditioning to agree to have their compressors hooked up to central utility control. The municipal utility has the right to shut off compressors for up to 7.5 minutes per hour during the hot summer afternoons. By selectively shutting off compressors during the peak load periods, the utility avoids the need for building new power plants just to handle the peak demand.

Wes Birdsall estimates that he has invested about $250,000 in these energy efficiency projects over the years.

By delaying the need to build new power generation capacity, the utility has avoided large costs over the last 18 years. Wes Birdsall has passed these savings on to the citizens of Osage. Since 1983, Osage electrical rates have been reduced 5 times, for a total reduction of 19 percent. The residential electrical rate is 5 cents per kilowatt hour, compared to 13.5 cents per kilowatt hour 100 miles down the road in Cedar Rapids. The citizens of Osage save an estimated $1.2 million every year in their utility bills, or a savings of $300 per person. This is a five times return on the $250,000 energy efficiency investment every year.

Mr. President, the story of Osage, IA, can be repeated in every city in America. We can all learn from Wes Birdsall and the Osage experience.

We can all save energy, reduce our imported energy, cut acid rain and carbon dioxide, the main global warming greenhouse gas, while cutting down our utility bills. This is a typical win-win situation.

Our Nation needs more Wes Birdsalls. We need more leaders who have the vision to recognize the opportunities of energy efficiency investments, and the courage to educate our citizens and make the necessary investments in order to reap the benefits. Unfortunately, the present occupant of the White House does not have the vision of a Wes Birdsall.

I wish Wes Birdsall the very best in his retirement.

But somehow I do not think he will really retire from his efforts to share the Osage experience with cities around the Nation and the world. He has already left a legacy of improved quality of life in Iowa. I trust that he will have the opportunity in retirement to expand that legacy.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by $6.5 billion in budget authority and by $6.1 billion in outlays. Current level is $2.9 billion above the revenue floor in 1992 and $0.7 billion below the revenue floor over the 5 years, 1992–96.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $354.4 billion, $3.2 billion above the maximum deficit amount for 1992 of $351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 28, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through April 10, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 7, 1992, there has been no action that affects the current level of budget authority, outlays or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONGRESS, 2D SESSION AS OF APRIL 10, 1992

[In billions of dollars]

	Budget Resolution (H. Con. Res. 121)	Current level[1]	Current level +/– resolution
ON-BUDGET			
Budget authority	1,270.7	1,277.2	+6.5
Outlays	1,201.7	1,207.8	+6.1
Revenues:			
1992	850.5	853.4	+2.9
1992–1996	4,836.2	4,835.5	−0.7
Maximum deficit amount	351.2	354.4	+3.2
Debt subject to limit	3,982.2	3,782.1	−200.1
OFF-BUDGET			
Social Security outlays:			
1992	246.8	246.8	
1992–1996	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–1996	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS APRIL 10, 1992

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in previous sessions			
Revenues	.....	.....	853,364
Permanents and other spending legislation	807,567	727,184	.....
Appropriation legislation	686,331	703,643	.....
Mandatory adjustments[1]	(1,041)	1,105	.....
Offsetting receipts	(232,542)	232,542)	.....
Total previously enacted[2]	1,260,314	1,199,389	853,364
Enacted this session			
Emergency Unemployment Compensation Extension (Public Law 102–244)	2,706	2,706	.....
American Technology Preeminence Act (Public Law 102–245)	.....	.....	[5]
Technical Correction to the Food Stamp Act Public Law 102–265)	[5]	[5]	.....
Further Continuing Appropriations, 1992 (Public Law 102–266)[3]	14,178	5,724	.....
Total enacted this session	16,884	8,430	[5]
Total current level	1,277,199	1,207,820	853,364
Total budget resolution[4]	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,486	6,119	2,863
Under budget resolution	.....	.....	.....

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H.Con.Res. 121).

[2] Excludes the continuing resolution enacted last session (P.L. 102–145) that expired March 31, 1992.

[3] In accordance with Section 251 (a)(2)(D)(i) of the Budget Enforcement Act, the amount shown for P.L. 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

[4] Includes revision under Section 9 of the Concurrent Resolution on the Budget (see p. S4055 of "Congressional Record" dated March 20, 1992).

[5] Less than $500 thousand.

Note.—Detail may not add due to rounding.●

McDONNELL-DOUGLAS BAILOUT

● Mr. D'AMATO. Mr. President, I suppose it was inevitable that the Army would be sucked into the McDonnell-Douglas bailout. Considering Air Force and Navy involvement, it seems only fair. Having overcharged the Government $50 million for the Apache, McDonnell's helicopter subsidiary was allowed by the Army to pay restitution of less than 5 cents on the dollar. Best of all, the Army settled unbeknownst to the Defense Contract Audit Agency [DCAA], which was preparing litigation related to the improper charges. At this point, even the see-and-hear-no-evil monkeys could discern a pattern emerging.

I ask that the full text of the Los Angeles Times article: "Army Probing Its Settlement of McDonnell Douglas Audit," be printed in the RECORD immediately after my remarks.

Secretary Cheney has repeatedly been quoted as saying the national security is not a jobs program. Apparently, for every rule, there is an exception.

The article follows:

ARMY PROBING ITS SETTLEMENT OF MCDONNELL DOUGLAS AUDIT

(By Ralph Vertabedian)

Army investigators have launched a criminal probe into the Army's own decision to settle $50.3 million in alleged overcharges by McDonnell Douglas on the AH–64 Apache helicopter for less than five cents on the dollar, government officials said Wednesday.

The Army's Criminal Investigative Division in St. Louis started the probe in recent days, according to key officials who asked not to be identified. A spokesman at the division's Washington headquarters declined comment Wednesday.

In late 1990, the Army Aviation Systems Command in St. Louis quietly agreed to settle an audit conducted by the Defense Contract Audit Agency, which found McDonnell's helicopter subsidiary in Mesa, Ariz., had overcharged the Army on production of the Apache helicopter by $50.3 million. The matter was settled for $2.4 million.

Audits of "defective pricing" are not unusual: typically, they are settled for less than the full amount of the alleged overcharging. But government procurement experts said the McDonnell settlement, amounting to just 5% of the alleged total overcharges, is highly unusual.

In addition, the settlement never was reported to audit agency officials, who continued to work on the audit in preparation for litigation. Only last month, senior audit agency leaders were astounded during a meeting in St. Louis to learn that the case had been settled more than a year earlier.

At least two House committees are looking into the audit settlement to determine whether it was part of a covert Pentagon plan to bail out McDonnell, which was suffering significant cash flow problems in late 1990 and early 1991.

The Pentagon's inspector general concluded in a confidential report earlier this year that senior procurement officials in the Air Force had devised a bailout plan for McDonnell and that at least some actions were taken to carry out the plan.

Last week, the inspector general issued a report that found the Air Force had relieved McDonnell of substantial financial risk in December, 1990, when it prematurely declared the firm's first C–17 cargo plane completed when, in fact, it was far from complete. The action was part of an overall effort to improve the firm's cash flow, the report asserted.

It remains unclear who is the subject of the Army investigation in the Apache audit case. Probes handled by the Army's Criminal Investigative Division are initiated on a criminal basis, but eventually may become

civil or administrative cases, one official said.

In a statement earlier this month, Army officials said they were reviewing the settlement to determine whether it was "reasonable" and "final." If not, the Army "is prepared to pursue all available remedies," according to the statement.

The Army statement appears to be suggesting that the settlement did not go through the proper review and approval process within the Army, congressional experts said.

The Army official who settled the McDonnell overcharging claims was a low-level contracting officer who worked at the Mesa helicopter plant and has since retired, according to sources familiar with the case. But Army investigators reportedly are looking into whether a senior Army officer in Washington ordered the Mesa official to make the settlement.

The Army investigators are also said to be trying to determine who may have leaked the existence of the settlement to The Times.●

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

Mr. PELL. Mr. President, I ask unanimous consent that the President pro tempore be authorized to appoint a committee of Senators to join with a like committee on the part of the House of Representatives to escort the President of the Federal Republic of Germany into the House Chamber for the joint meeting to be held at 11 a.m. on Thursday, April 30, 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGGRESSION AGAINST BOSNIA-HERCEGOVINA AND CONDITIONING U.S. RECOGNITION OF SERBIA

Mr. PRESSLER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 290) regarding the aggression against Bosnia-Hercegovina and conditioning U.S. recognition of Serbia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 290

Whereas from February 29–March 1, 1992, the Republic of Bosnia-Hercegovina held a referendum in which 99.7 percent of the citizens who participated voted for independence from the former Yugoslavia;

Whereas, on April 6, 1992, the Republic of Bosnia-Hercegovina was granted diplomatic recognition by the European Community and on April 7, 1992, was recognized by the United States;

Whereas, since April of 1992 the Serb-led Yugoslav Army and Serbian militants have been engaged in brutal military action against the government and people of the Republic of Bosnia-Hercegovina resulting in the death of innocent civilians, the displacement of tens of thousands of persons, and the destruction of homes, schools, mosques, synagogues and churches;

Whereas, the attack on Bosnia-Hercegovina follows aggression against the newly independent Republic of Croatia which resulted in the death of more than 10,000 people, the displacement of more than 700,000 persons, and the occupation of a significant portion of Croatia's territory;

Whereas, the attacks on Bosnia-Hercegovina and Croatia by the Yugoslav Army and Serb militants constitute an attempt by the Government of the Republic of Serbia to alter borders by the use of force;

Whereas, according to an official with the United Nations High Commissioner on Refugees, Serbian-led forces are delaying, diverting, and stealing humanitarian relief supplies donated to Bosnia-Hercegovina by the United States and other countries;

Whereas, the Serbian government has maintained a brutal and repressive regime of martial law in Kosova and deprived the two million Albanians of Kosova of their political and human rights, including their right to self-determination;

Whereas, Serbia's repressive policies in Kosova and the aggression of the Serb-led Yugoslav Army in Bosnia-Hercegovina and Croatia constitute serious violations of the Helsinki Accords and the Helsinki Final Act;

Whereas, the United States, the European Community and the Conference on Security and Cooperation in Europe have condemned the aggression of the Serbian-led Yugoslav Army and Serbian irregulars, as well as the martial law regime in Kosova;

Whereas, on April 23, 1992, 25,000 Serbian citizens in Belgrade participated in an anti-war protest;

Whereas, extensive international diplomatic efforts, and the deployment of United Nations monitors and peacekeeping forces, have failed to achieve the withdrawal of Serbian-led forces and the restoration of peace in the Republics of Bosnia-Hercegovina and Croatia;

Whereas, the Socialist Federal Republic of Yugoslavia has ceased to exist: Now, therefore, be it

Resolved, That—

(1) The United States should hold accountable the Government of Serbia for the attacks on and occupation of the Republics of Bosnia-Hercegovina and Croatia, and for the extensive and systematic abuse of human rights in Kosova.

(2) The United States should withhold diplomatic recognition of Serbia and its ally Montenegro, who proclaimed themselves the "Federal Republic of Yugoslavia" on April 28, 1992, until Serbia ceases its aggression against the independent states of Bosnia-Hercegovina and Croatia; withdraws its forces from Bosnia-Hercegovina and Croatia; and halts its brutal repression of the Albanian people in Kosova and denial of the right of self-determination.

(3) The United States should actively encourage its allies to follow the same course.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CUSTOMER SERVICE WEEK

Mr. PRESSLER. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 166, National Customer Service Week, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 166) designating the week of October 4 through 10, 1992, as "National Customer Service Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 166) and its preamble are as follows:

S.J. RES. 166

Whereas recognizing the value and importance of the customer drives the quality of customer service;

Whereas the high cost of attracting new customers today further emphasizes the need to keep existing customers through effective service;

Whereas when customer service is recognized as contributing to the profit of a company, the professional status of customer service continues to increase;

Whereas excellent customer service distinguishes successful companies that understand the importance and influence a customer has on success; and

Whereas excellent customer service contributes to the growth and success of every company: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 4 through 10, 1992, is designated as "National Customer Service Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. PRESSLER. I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. PELL. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it stand in recess until 1 p.m., Thursday, April 30; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M. TOMORROW

Mr. PELL. Mr. President, if there is no further business to come before the Senate tonight, I now ask unanimous consent that the Senate stand in recess under the previous order until 1 p.m. on Thursday, April 30.

There being no objection, the Senate, at 6:42 p.m., recessed until Thursday, April 30, 1992, at 1 p.m.